

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kinser-Kidane to DeLaurentis re San Jose (11 pages)	09/04/1997	P1/b(1)
002. email	Barks-Ruggles to Wilson re package for clearance (20 pages)	09/05/1997	P1/b(1)
003. email	Hofmann to Cicio et al re discussion paper (7 pages)	09/12/1997	P1/b(1)
004. email	Millison to Cosgriff re Haiti paper (8 pages)	09/16/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Record (Sep 97-Jan 01) ([sweatshop ...])
 OA/Box Number: 620000

FOLDER TITLE:

[09/04/1997-09/16/1997]

2018-1072-F

kc2354

RESTRICTION CODES

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

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

- 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]

- 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]

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.

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Exchange Mail

DATE-TIME 9/9/97 9:49:38 AM
FROM Kreczko, Alan J.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: NGO Meeting at 11 am [UNCLASSIFIED]
TO Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Kreczko, Alan J.
Sparks, John E.

CARBON_COPY**TEXT_BODY**

I no longer can sit in on this; would someone else like to -- would need to be prepared at least minimally on International Criminal Court.

-----Original

Message-----

From: Schwartz, Eric P.

Sent: Tuesday, September
09, 1997 9:25 AM

To: @PLANNING - Strat Plan & Comm; Luzzatto, Anne
R.; Kreczko, Alan J.; @AFRICA - African Affairs; Witkowsky, Anne

A.; Sapiro, Miriam E.; Marty, Joseph H.; @ASIA - Asian Affairs;
Fort,

Jane B.; @DEMOCRACY - Dem/Human Affairs

Subject: NGO Meeting at
11 am [UNCLASSIFIED]

Due to the graciousness of Planning, Kyle
and Africa -- we are now down to a number that will fit into the
Sitroom. The NSC staff attendance list is now as follows:

One
from Planning
Luzzato
Kreczko
Wilson
Prendergast
Witkowsky
Sapiro
Marty
Gagnon

Fort

Attached
are the documents we prepared for SRB for the meeting.

TRANSLATED_ATTACHMENT 5997 NGO Meeting Memo for Berger.doc

September 5, 1997

INFORMATION

MEMORANDUM FOR SAMUEL BERGER

FROM: ERIC SCHWARTZ

SUBJECT: Meeting with Human Rights NGOs, Tuesday, September 9, at 11:00 a.m.

You will be meeting with the Executive Directors of 11 of the most prominent human rights monitoring organizations at 11:00 a.m. on Tuesday. We have also invited representatives of NSC regional offices to attend to provide you with any information you might require at the meeting.

Background to the Meeting: The group requested this meeting to obtain your perspectives on human rights policy in the second term and to offer you their views on a range of issues. These groups and/or their leadership - in particular, Amnesty International, Human Rights Watch, the Lawyers Committee for Human Rights and the International Human Rights Law Group - have a considerable degree of information, influence and access. Their reports are cited by reporters and, especially, editorial writers, and they are responsible for many of the legislative initiatives on human rights with which we deal day-in and day-out.

Collectively, the Executive Directors have considerable expertise and/or

experience in law, academia, government and public affairs. While you should certainly expect some posturing, we expect (hope) that most are seeking a non-polemical exchange of ideas and information.

"A Human Rights Agenda for the Clinton Administration" In July, the groups, collectively, prepared a ten-page "Human Rights Agenda for the Clinton Administration." We have summarized the document, below, and have worked it into your talking points and Qs and As. Because it reflects consensus among the major U.S. groups working these issues, the document has a laundry-list quality to it, but it is a useful guide to their concerns. The document has also been presented to the Secretary of State. It has not been released publicly, but we expect it may be issued to the media at some point in the near future.

Brief Summary of the "Human Rights Agenda"

The document credits the President for leadership on Haiti, Burma and Bosnia; for supporting international war crimes tribunals; for his role in creating the post of UN High Commissioner for Human Rights; by advocating the universality of human rights; and for initiatives to advance women's rights, civil society, rule of law and administration of justice.

It criticizes the Administration for its "failure" to take adequate steps to stop genocide, secure the arrest of war criminals, and to be tough on friends and allies when they abuse human rights. The paper identifies ten priorities -

1. Act to prevent genocide and other catastrophic violations, and to stop them if they occur. Key issue here is our willingness to sanction and support, where necessary, use of force to end or prevent mass violations.
2. Seek to ensure that those who commit atrocities are brought to justice. Key issues here are securing arrest of war criminals - through use of force

or
sanctions against states that do not cooperate, and support for
tribunals.

3. Develop firm and consistent policies to combat serious abuses
wherever they
occur. Key question here is consistency - NGOs argue that we fail to
speak
forcefully about abuses or exert leverage in countries with which we
have strong
trade or security relationships.

4. Promote full spectrum of rights, including economic, cultural and
social
rights, which are also part of the Universal Declaration. These include
right to
housing, food, labor conditions, education, health care, etc.

5. Take concrete steps to support the full realization of human rights
of women,
through, e.g., technical and financial support for efforts to end
violence
against women, through ratification of the Women's Convention, etc.

6. Take effective actions to protect freedom of religion worldwide.
For your
information, most of the participants are not likely to be enthusiastic
about
Wolf-Specter. While they believe the Administration should promote
religious
freedom, these "mainstream" human rights groups probably share
many of our
concerns about the legislation.

7. Ensure that we comply with human rights standards we promote
abroad, for
example, by ensuring that our policies on refugees and asylum meet
international
standards.

8. Ensure that our military and security policies do not violate human
rights.
In particular, we should enforce legislation linking foreign assistance,
including counternarcotics assistance, to human rights, and we should
support a
worldwide ban on landmines.

9. Develop effective strategies for securing compliance with
international labor
rights. The groups support the labor rights provisions in GSP and

OPIC

legislation, and would urge that a social clause incorporating labor rights be included in the WTO process.

10. Strengthen UN human rights protection mechanisms, such as the Office of the High Commissioner for Human Rights.

As mentioned, these points are addressed in both your talking points and Qs and As we have provided.

Suggested approach for the meeting: We suggest you begin the meeting with a few short remarks (5-10 minutes, see attached points) about the Administration's commitment to human rights in foreign policy, and then open up the meeting for questions and comments. Given the breadth of possible issues of interest, we would not suggest your attempting to structure an agenda. However, you should move the discussion in whatever direction you wish - your doing so will be seen as a reflection of your level of interest and engagement.

Concurrences by: Joe Marty, Miriam Sapiro, Joe Wilson, Sandy Kristoff, Alan Kreczko

Attachments

Tab A: Suggested Introductory Talking Points

Tab B: Qs and As

Tab C: Biographies of Participants

Tab D: "A Human Rights Agenda for the Clinton Administration"

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TALKING POINTS

Meeting with Human Rights NGOs

INTRODUCTION

- * Deeply appreciate the work you do, day-in and day-out.
- * Also appreciate receiving the "Human Rights Agenda for the Clinton" Administration, which I know reflected considerable effort.
- * Grateful for your kind words about President Clinton's leadership on many critical human rights issues; share your view that much remains to be done.
- * Want this to be a listening session for me, but first thought I might say a few words about how we approach this important issue.

US GOALS/INTERESTS

- * Seek to promote democratic governance and universal respect for basic human rights -- for several reasons.
- * Believe growth of democratic governments enhances our own security, especially as democratic governments tend not to wage war on each other.
- * Also believe that promotion of human rights and democracy reflects American values and provides a basis for public support of policy.
- * These objectives reflected in our efforts to strengthen the community of democracies; support human rights and political liberalization in undemocratic regimes; and pursue our humanitarian and relief agenda to help create conditions conducive to democratic development.

IMPLEMENTATION

- * We employ a variety of both carrots and sticks to promote human rights worldwide.

* We have provided hundreds of millions of dollars of funding for human rights and democratization initiatives.

* We complement these kinds of programs with willingness to speak out against abuses - our recent report on religious freedom abroad, and our annual human rights reports reflect our belief in the importance of public expressions of concern.

* Where we think such measures can be effective, we are also prepared to implement sanctions against the most egregious of abuses, but believe they are most effective when they are multilateral.

POLICY SUCCESSES

* Very proud of our efforts, which very much track the priority areas in your "Human Rights Agenda."

* We have supported democratic transitions in Haiti and Russia, and helped to end the most egregious abuses in the Balkans.

* We are the world's leading supporter of the international war crimes tribunals for Bosnia and Rwanda, reflecting our view of the importance of justice to overall reconciliation.

* We have encouraged nascent democracies of the former Soviet Union, and have helped to solidify respect for the democratic process within the Western Hemisphere, through the Summit of the Americas.

* We have enhanced multilateral cooperation on human rights - for example, through our efforts to create the position of UN High Commissioner for Human Rights, as well to put human rights and democracy promotion on the agenda of the recent Summit of the Eight.

* We have moved forward on several human rights treaties -- dealing with racism,

women's rights, an international criminal court, and the rights of children.

* We have augmented efforts to focus attention on women and children victims of abuses, in part through the Administration's "No Sweat" initiative in which corporations and NGOs are developing voluntary means to prevent importation of products made by child labor.

* And, as you have suggested in your paper, we have recognized that human rights issues do not end at the water's edge - that is, we have tried to practice domestically what we preach abroad.

* For example, as we have urged other governments to provide assistance and protection to refugees, we have maintained our commitment as the world's leader in refugee resettlement; we have substantially increased our resettlement of Bosnians - we expect to resettle up to 26,000 in the next fiscal year - we have taken measures to provide relief for Central American who fled here as refugees and whose status is threatened by recently enacted legislation, and we took quick action to rescue some 6500 Kurdish refugees from northern Iraq.

POLICY CHALLENGES

* Don't want to suggest that we do not confront tough choices in this area; this and every Administration faces difficult questions on tactics, and on reconciling our human rights objectives with other foreign policy goals.

* But, while our tactics may vary from one situation to another, our objectives are consistent, and reflect our belief that promoting human rights and democracy worldwide serves U.S. national security interests.

CONCLUSION

* Three years from now, we will evaluate the success of our efforts on whether we have been able to encourage progress on several critical issues,

including -

* an increase in the democratic character of countries in transition in Eastern and Central Europe and in Africa;

* liberalization - or at least helping to sustain human rights pressure against -- the most repressive of regimes;

* a strengthened international non-governmental movement committed to human rights and democracy;

* and more vibrant community of international organizations involved in human rights promotion.

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TRANSLATED_ATTACHMENT 5997 Q & A's for NGO Meeting.doc

Meeting with Human Rights NGOs
Possible Qs and As

(Note: We have excluded those issues - e.g., Bosnia, China - in which you are most closely involved (and thus least likely to need points))

Contents

Consistency in Promoting Human Rights
Use of Force to Prevent Genocide
International Criminal Court
Arms Transfers and Human Rights
Central Africa
Turkey
Haiti (Emanuel Constant, Documents)

CONSISTENCY IN PROMOTING HUMAN RIGHTS

Q: Why aren't you more consistent in your approach?

* Our objectives are constant, as is our willingness to speak honestly

about
abuses - as reflected in our annual human rights report.

* But our tactics do vary, for several reasons.

* For example, when confronted with whether to impose sanctions based on human rights concerns, we must consider many factors: the extent of abuses in the country in question, our ability to forge a multilateral consensus for action, the effectiveness of unilateral action in the absence of support from others, the impact of our actions on basic human needs of the most disenfranchised, and the possible benefits of emphasizing engagement in cases where sanctions are not likely to produce desired results.

* We also must consider the impact of our actions on other critical U.S. policy objectives - from regional security to arms control to limiting the development and proliferation of chemical weapons.

USE OF FORCE TO PREVENT OR TO STOP GENOCIDE

Q: The USG should be prepared to use force prevent or stop genocide.

* We are prepared to support multilateral use of force to stop genocide or mass killings in certain circumstances, but there are several difficult issues that must be considered and which greatly impact on the possibility of success -

* Can the threat be dealt with using diplomatic and other non-military means?

* Can it be dealt with regionally? (In this respect, we are working to help equip African states with a greater ability to respond collectively to peace-keeping requirements.)

* Is there unity of purpose among all interested actors?

* Do we have requisite domestic public and Congressional support for military action?

* In the end, preventive action is most important - diplomatic, development assistance and human rights efforts.

INTERNATIONAL CRIMINAL COURT

Q: What is the USG position on the ICC?

* President has publicly indicated his support for the creation of a permanent international criminal court.

* Committed to the negotiation process, and appreciate the input you have provided us; encourage you to continue to do so.

Q: Why do you insist on Security Council referral, which undermines the authority of the Court?

* Referral to the Security Council of the overall situation is consistent with the Council's primary responsibility for addressing breaches of international peace.

* It does not mean that the Security Council will have a veto of decisions by a prosecutor on what cases to bring once a general referral of a situation is made.

ARMS TRANSFERS AND HUMAN RIGHTS

Q: Why doesn't the Administration support a legislated "Code of Conduct" on arms transfers?

* President's arms transfer policy already emphasizes support for democracy and human rights.

* For example, we have linked counternarcotics assistance to observance of human rights, and have gone beyond the requirements of congressional legislation on this issue.

* We also have restricted transfer of arms and equipment that could be used to perpetrate human rights abuses, such as in Indonesia.

* But our policy must also take account of vital national security interests - our military assistance programs, for example, are a key element of supporting Middle East Peace Process and maintaining peace and security in the other parts of the world.

CENTRAL AFRICA

Q: Why aren't you pressuring Kagame and Kabila to end abuses in Rwanda and in Congo?

* Deeply concerned about human rights and humanitarian issues in central Africa.

* Engaged in diplomatic efforts in the region - President dispatched Ambassador Richardson twice to the area in recent months and Special Envoy Wolpe was in Tanzania last week working with regional leaders on solutions to the crisis in Burundi.

* Deeply concerned about delays in UN human rights investigative mission in DROC
- have told Kabila this effort must begin at once and the international community will not tolerate further delays.

* We continue to press the DROC and the Government of Rwanda to respect human rights, both publicly and in private.

* (If asked about mass repatriations of Rwandans and Burundians from DROC to Rwanda): Appalled by this action, involving nearly 700 persons, and have expressed our views to all governments concerned. Are strongly urging protection for those who have returned.

* (If asked about military assistance to Rwanda) We are working with Rwandan government military on professionalization programs to prevent human rights abuses. We are not involved in counterinsurgency training or other such

activities. We believe best way to influence them is to engage with them.

TURKEY

Q: Why do you neglect human rights in USG relations with Turkey?

* While Turkey is an important USG ally, that does not undermine our human rights message - integral part of bilateral relationship, and we raise these issues on a continual basis.

* We welcome initiatives by prior government to address torture allegations, by reducing pre-arraignment detention period and facilitating access to attorneys, and by the new Yilmaz government to release imprisoned journalists.

* Also welcome new government's commitment to take further steps, but we will measure progress by deeds not words.

(If asked about assistance to Turkey): We carefully consider human rights and other issues in determining assistance to Turkey, and our limited aid programs provide us with leverage to promote human rights and other objectives. Some programs, such as IMET, are directly targeted to promoting human rights.

(If asked about EU membership and USG position) We are not urging EU to exempt Turkey from human rights requirements of membership. We agree with the EU view that a requirement of membership should be guaranteeing human rights. At the same time, we hope it will be possible to move forward on Turkey's integration with Europe, which we believe can spur progress on these issues.

NIGERIA

Q: USG needs to be tough on Nigeria.

* The USG has led international pressure on Nigeria.

* Continue strong sanctions imposed after Saro-Wiwa execution, co-sponsored UNGA

and UNHRC resolutions condemning Nigerian record and creating country-specific rapporteur.

* We continue to work with other concerned governments to urge Nigeria to release political prisoners, ensure speedy, open and fair trials of accused and to open up political transition process to be more broadly inclusive.

* For additional sanctions (assets freeze, limiting oil purchases, ban on investments) to be effective, we must have broad international support. Have not been able to garner such support in past and do not see it now. Sanctions always remain a possibility.

HAITI

Q: When does Emmanuel Constant go back to Haiti? Why have you kept him in the United States?

* Emmanuel Constant has remained in the US because of concerns over the ability of Haitian justice institutions to protect someone of his background from reprisals. Don't think we're yet at the point of concluding this concern no longer applies.

Q: When will you return documents that USG forces confiscated from paramilitary offices following the intervention?

* We are ready to return documents, but only with references to U.S. persons removed.

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NGO Meeting on Human Rights
September 9, 1997
List of Participants

Harry Barnes - Director of Conflict Resolution and Human Rights Programs with the Carter Center. Barnes is the former U.S. Ambassador to Chile, India, and Romania and was posted in Bombay, Prague, Moscow, Katmandu, Bucharest and Washington. His board memberships include Human Rights Watch/Asia, the German Marshall Fund, the Carnegie Endowment for International Peace and the National Endowment for Democracy.

Felice Gaer - Director of the Blaustein Institute for Human Rights of the American Jewish Committee. She is a member of the Council on Foreign Relations and serves on the steering committee of Human Rights Watch/Helsinki and is Vice President of the International League for Human Rights. She serves each year as a member of our delegation to the UN Human Rights Commission, and has served on USG delegations to the World Conference on Human Rights, the Fourth World Conference on Women, and the final prepcom for Habitat II. Recently, she was named Chair of the Steering Committee of the National Coordinating Committee for the 50th Anniversary of the Universal Declaration of Human Rights.

Marjorie Lightman - Executive Director of the International League for Human Rights. The League is one of the oldest human rights NGOs, but no longer one of the most influential. Previously she worked with the Network of East/West Women, where she developed contacts among women lawyers interested in gender issues. Dr. Lightman's publishes regularly in the area of women's history.

Gay McDougall - McDougall is well-known and highly respected in the human rights community. Her organization, the International Human Rights Law Group, is well-regarded - notwithstanding its relatively small size and budget.

McDougall
is our alternate representative on the UN Subcommittee on the
Elimination of
Discrimination Against Minorities. She served as a member of South
Africa's
Independent Electoral Commission during the 1994 national elections.

Bill Orme (Pronounced 'Orm') - Executive Director of the Committee
to Protect
Journalists. Orme spent 15 years covering Latin America as an editor,
author and
freelance foreign correspondent. He has reported on Mexico and
Central America
for numerous publications including The Washington Post, The
Financial Times, and
Time magazine. He serves on various boards of directors for
organizations
concerned with press freedom issues.

Michael Posner - Executive Director of the Lawyer's Committee for
Human Rights.
Posner has represented the Lawyers Committee at the U.N. General
Assembly and the
U.N. Commission on Human Rights. He is one of the most effective
advocates in
the field. He has testified many times before Congress on matters of
human rights
and refugee law and has participated in human rights missions on
behalf of
Amnesty International, the ABA, and the Association of the Bar of
New York City.

Jack Rendler - Executive Director of the Minnesota Advocates for
Human Rights.
Rendler spent 12 years with Amnesty International, and has traveled
or worked in
Nepal, the Caribbean, northern Africa, Rwanda and Zaire. He serves
on several
advisory boards, including the Children's Rights Project, the Aurora
Foundation
and the Midwest Coalition for Human Rights. He is a member of the
Council on
Foreign Relations and lectures often on international conflict at
universities
such as McGill, North Carolina, Michigan State, and Harvard..

Ken Roth - Executive Director of Human Rights Watch, the largest
and most
influential US-based human rights monitoring organization. A former

federal prosecutor, Roth previously served as an associate counsel to the Independent Counsel for the Iran-Contra investigation. His organization, Human Rights Watch, has a broader mandate than Amnesty International and, of all the groups represented at this meeting, probably has the most influence in the media and with Members of Congress.

Len Rubenstein - Executive Director of Physicians for Human Rights, a small, well-regarded NGO that has a special interest in land mines. This group has contributed to the work of the Rwanda and the former Yugoslavia war crimes tribunals by conducting scientific investigations of mass graves.

Bill Schulz - Executive Director of Amnesty International (USA). Schulz is an ordained Unitarian Universalist minister and for 8 years served as President of that Association. He has extensive involvement in a variety of international and social causes including post-Ceausescu Romania, India, the Middle East, Northern Ireland, and Central America.

Jim Silk - Director of Robert F. Kennedy Memorial Center for Human Rights, a small organization that draws its influence from the involvement of Kery Kennedy Cuomo.

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For Internal Use Only/Not for Distribution 5997

Exchange Mail

DATE-TIME 9/10/97 5:35:03 PM
FROM Wozniak, Natalie S.
CLASSIFICATION UNCLASSIFIED
SUBJECT September 10 Fast Track Press Briefing by Rubin/Daley/Barshefsky/Sperling/Tarullo
[UNCLASSIFIED]
TO Crowley, Philip J.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
Benjamin, Daniel
Blinken, Antony J.
Gray, Wendy E.
LaFleur, Vinca S.
Leavy, David C.
Naplan, Steven J.

CARBON_COPY

TEXT_BODY Press Briefing
September 10 Fast Track Press Briefing by Rubin/Daley/Barshefsky/Sperling/Tarullo

TRANSLATED_ATTACHMENT

fast track press briefing.doc
THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release September 10, 1997

PRESS BRIEFING BY
SECRETARY OF TREASURY BOB RUBIN,
SECRETARY OF COMMERCE BILL DALEY,
U.S. TRADE REPRESENTATIVE CHARLENE BARSHEFSKY,
ASSISTANT TO THE PRESIDENT FOR ECONOMIC POLICY GENE SPERLING,
ASSISTANT TO THE PRESIDENT FOR INTERNATIONAL ECONOMIC POLICY
DAN TARULLO

The Briefing Room

3:20 P.M. EDT

SECRETARY RUBIN: Thank you. There's a copy of Road and Track, All New Cars, for those who are interested. (Laughter.) I'm not exactly sure why, but in any event, there is.

Let me start with just a word. I think the President and the Vice President did extraordinarily well. We've had a consistent economic strategy since the beginning of the administration and we now have, and have had for quite some time, the best economic condition in the industrial world. I don't think there's any question but trade liberalization has been very important to the economic success we've had so far, and I think it's absolutely central in terms of our economic strength and economic health in going forward.

Millions of Americans owe their jobs to the trade liberalization that has taken place so far, and all Americans as consumers have benefitted from lower prices and greater choice.

As you look around the world and you meet with finance ministers and other public officials, one thing is absolutely clear, and that is globalization is continuing and countries around the world are entering into all kinds of trade liberalization agreements. The only question -- there is no question this is

going to continue; the only question is will we be inside of it or will we be outside of it. And if we're outside of it, in our judgment, it will be enormously to our economic detriment.

What we must now do is work together to implement and enact fast track negotiating authority for the President so that as we go forward we can be part of the globalization of trade and the trade agreements, as I said a moment ago, are developing around the world.

And with that, I would like to introduce Secretary of Commerce Bill Daley. And I'm going to apologize, but I have to leave because I'm going up to the Hill in furtherance of this effort. Thank you.

SECRETARY DALEY: I would assume we'll all be going to the Hill very shortly for a very long time. Let me also be brief and just express a couple comments. One, obviously, the fact that our export growth over the last four years has created jobs. Some people believe that we should be fearful of competition in this new global economy. American business, American workers have proven that instead of being frightened of competition, we should welcome it because we are the victors over the last number of years in this very competitive world economy.

So we have proven through our export growth and through the competitive nature of American businesses and American workers that we welcome this global economy, and we look forward to furthering the lowering of barriers, as the President said today, because it will create additional American jobs, not lose American jobs.

So we in the Commerce Department, and speaking on behalf of the business community, who I know many of you have heard from outside, are very committed to this endeavor. The Cabinet is working very hard. Dan Glickman will go to Kansas City; I'll go to Minneapolis tomorrow; Secretary Pena will be travelling -- we will be fanning out around the nation in addition to a tremendous number of visits that will take place on the Hill, as we once again engage the American people and engage the political establishment around the world and around this country in the debate over competition and opening of barriers and lowering them for the sole purpose of creating American jobs and improving our economy.

Thank you. And I, at this point introduce Ambassador Barshefsky.

AMBASSADOR BARSHEFSKY: Thank you. I thought I would just take a minute and talk about what fast track is, and then talk a little bit about the trade agenda and what we would intend to use fast track authority for. And then I'll introduce Gene Sperling.

The original fast track began in 1934 and gave the President of the United States the ability to cut tariffs by his own proclamation. The Constitution reserves to Congress the ability to cut tariffs. In 1934, that authority was delegated to the President of the United States by Congress under what we would now call fast track authority. It was called something a little bit different then. That authority has continued virtually without exception until it expired in 1994 with the last grant of fast track authority.

So the President had the ability to proclaim reductions in U.S. tariffs if a trade agreement was negotiated. But in the late 1960s it became apparent that nations began putting up non-tariff barriers to compensate for their reductions in tariff and to try and keep foreign goods out. So, in 1974, the partnership between the Congress and the President with respect to trade agreements negotiation was broadened, and the deal struck was this: Congress would be able to consult with the President, direct the course of a particular trade negotiation, agree on trade policy objectives. And in exchange, when the President brought back a trade agreement, Congress, in implementing legislation, would vote the agreement up or down without amendment.

This gave the President the ability to negotiate from strength because foreign countries understood once they negotiated with the Executive Branch, Congress would not renegotiate individual provisions of the agreement. But, at the same time, Congress would be involved through consultation and other mechanisms in the goals set out for the agreement and in the achievement of those goals. That is the fast track authority, coupled with tariff cutting authority, that has been in existence since 1974, and to which President Clinton and Vice President Gore alluded.

That is precisely the authority sought here. We are not seeking the approval of any particular trade agreement at this juncture. We are simply seeking a reinstatement of the process by which certain of these agreements can come back

to the Congress for an up or down vote. But let me emphasize a final vote on whether implementing legislation passes to implement a trade agreement resides with the Congress of the United States.

Let me talk a moment about the trade agendas. As the President said, exports have been the driver of economic growth for this country. We've seen in the last 10 years a tripling of our export performance. We are the world's single largest exporter -- about 12 million jobs depend on exports. And we know that those jobs tend to pay between 13 and 15 percent higher than non-trade related jobs. The way one shifts the locus of job creation in this country to higher-paying jobs, to better jobs, is through increasing it -- through, among other things, but increasing our export performance.

So as we look at the trade agenda ahead, we want to capitalize on our current economic strength and our current competitiveness, because, after all, we ought to be at our most aggressive internationally now and not pull back. And we want to also take a look at those sectors where we are highly competitive, but where foreign trade barriers tend to be rather high.

There are three basic uses, therefore, to which we would put fast track authority. The first has to do with the built-in agenda from the Uruguay Round. You know at the end of the Uruguay Round negotiations, which are the large, global trade talks, the United States, among other countries, pushed for a timetable at which negotiations in different areas would resume. We did that, as did Europe and other countries because we wanted more out of the Uruguay Round than we got.

This year, we begin again the negotiation on intellectual property rights -- sorry, on government procurement; next year, intellectual property rights; then agriculture; then services. Government procurement is a trillion-dollar market for us in Asia alone over the next decade; agriculture, a \$600-billion market globally; services, \$1.2 trillion market. We want better access into those global markets. We must have fast track authority going into this group of talks or countries will not put meaningful offers for market access on the table.

Second major use -- the President talked and the Vice President talked about the information technology agreement, under which we will reduce to zero tariffs on

all of the kinds of information technology products associated with the Information Superhighway -- semiconductors, computers, telecommunications equipment, faxes, phones, integrated circuits -- a huge array of products in which we tend to be a global leader. Our tariff barriers in those areas are zero or very low. Asia's averaged 30 percent. We've agreed with another 43 countries that those tariffs should be brought to zero across the board, all countries, by roughly the year 2000.

We already have agreement among our trading partners for an ITA-2 -- that is to expand the scope of the products encompassed by this extremely ambitious initiative. Fast track authority will be used to implement that arrangement.

We're also in the process of looking at a number of other individual sectors, again where we're very competitive but global barriers tend to be high. For example, environmental equipment and services, medical equipment and technology, transportation equipment, a range of sectors as -- where fast track authority will be needed.

The third area of the trade agenda is the area of more comprehensive market access agreements with individual countries, free trade agreements. The country that has been identified by the administration thus far is Chile. Chile has already indicated that they will sign on to labor and environmental agreements, subject to fines for enforcement. They just completed a bilateral trade agreement with Canada in which Chile signed on to labor and environmental agreements. They will do the same with the United States.

As to any other individual country we may wish to negotiate with, we would obviously have to identify that country and then undertake rigorous consultations with Congress before we embarked on any additional negotiation.

Those are the uses of fast track authority. As the President said, it is vital, absolutely vital, that we continue to lead, that we continue -- continue to focus on our export performance and to ensure that this country gets its fair share of global trade.

With that, let me introduce Gene Sperling.

MR. SPERLING: I'll tell you what. Probably, since everybody is a little pressed, why don't Secretary Daley and Dan, Charlene, why don't we just take Q&A now, and I think anything -- I could say I can fit into some Q&A somewhere.

Q Question for Secretary Daley. Just before the President and the Vice President were announcing their support for this fast track authority, representatives of the major labor unions were across the street, protesting all of this, saying it's a betrayal, and that they are going to do everything they possibly can to fight this fast track legislative authority. How do you feel about going head to head with such close political allies as the American labor movement who sees this as a betrayal?

SECRETARY DALEY: Well, obviously, the President feels very strongly about many issues and is in agreement with the labor movement on so many issues, and he is in agreement, as he stated today, with the fact that labor issues are important not only in this country and to this administration, which has proven it time and time again over the last four and a half years, but in many world forums. So it is obviously uncomfortable to not be in agreement with some of your allies and strong friends, but there will be plenty of opportunities as we move forward to be back together in unison on so many issues.

Q Well, if you think that this case is so clear-cut, why do you think it's become such a hot button issue for labor leaders?

SECRETARY DALEY: Well, trade issues have always been hot button issues for organized labor, and that's a position that labor has had for many, many years.

Q Is there a way to finesse this situation such that you can include some sort of protection for workers in the fast track legislation itself? Or would that muddy the waters to the point that it's unusable?

MR. SPERLING: I think the President -- first of all, obviously, open markets has been, as the President said today, one of his three pillars of his economic strategy, so that's something he believes in. He believes it increases innovation, competition, higher-wage jobs and that's been the strategy. When we do confront opening markets, we do so with the goal of lowering tariffs and non-trade barriers because, as Charlene said, that almost always advantages us as

the most competitive country in the world.

But we also aim as part of our goal to increase labor standards and the environment. And one of the points that we've -- as we've gone through consultations and we've talked, is that there are several ways to promote this agenda. One issue would be what you can do within the trade agreement. The second issue is what you could do through side agreements under executive authority. A third area is things in the international labor core -- issues, things that have been worked on that Charlene has fought hard for and had unprecedented victories in over the last three years. There's also initiatives like the sweatshop initiative that we have. And then there are a variety of things, people we've spoken to who have talked about what can be done domestically in terms of improving or training or adjustment programs.

So the President is firm that anything he does will further opening markets, environment and labor. There are different ways to go about that, but the overall thrust of anything he does in opening markets will further all three of these objectives.

Q You don't see it, then, for the specific question of whether fast track legislation would be written in such a way to include, mention, provide for the concerns of the workers in the environment? You don't see that happening in the fast track legislation itself?

MR. SPERLING: Well, we're going to put out our legislation next week. I mean, I think we're not going to -- you know, I said, we've had consultations with people. We want to have a chance among ourselves to talk about what's been said. Obviously, anything we put forward has to be capable of carrying a strong bipartisan support and we have to look at how we best promote our aims and how we best deal with political reality in getting a bipartisan majority.

Q You were in charge of NAFTA. You became the czar of NAFTA. You joined the administration to fight for NAFTA. It was a very tough and uphill fight. How do you compare the time, then, with this fight to get fast track?

SECRETARY DALEY: Well, in some ways we are obviously in a much stronger position when you look at the economy. when you look at the success that this

administration has had. In 1993, you had a very difficult budget battle in the summer, very difficult to win for the President, where he laid out his economic strategy. And then to come back in the fall with a NAFTA battle was very difficult. Obviously, right now, as the President has stated, this economy is extremely strong.

Politically, you have many of the similarities. You have the same sort of split politically in both parties, and you do have a different make-up, obviously, from a leadership perspective on the Hill. And the make up of both caucuses are a little different than they were in 1993. But there are probably more similarities. It's very difficult, as it was in 1993, but I do believe we will be successful this year, as the President was in 1993.

Q You spend a lot of discussion with the phrase "trade related" measures in labor and environment. This was wording that I think -- first put out in 1995, when you were first trying to get fast track through, and it's come back in Mr. Archer's lingo in the past few days. Can somebody define what "trade related" measures for environment and labor mean?

MR. SPERLING: I mean, I think there are those of us here who could. Will we right now? Do you want to?

AMBASSADOR BARSHEFSKY: The only thing that I would say is that if you look at trade agreements over time you see that they are much broader in scope than they were previously, and that they encompass concepts that might not have been encompassed even 10 or 15 years ago. The Uruguay Round, for example, calls for the establishment of a committee on trade and the environment. That would have been almost unthinkable even 10 years ago. It calls for a review of the intersection between labor and worker rights issues and trade. Again, that's something that might have been unthinkable even five years ago.

So we see a progression as you look at trade agreements over time where issues with respect to the intersection of trade and labor, or trade and the environment have been broached. I think that obviously provides us some guidance.

I think the key is -- and I'd like to make a comment on Gene's answer before -- I know the temptation is very much to look at a piece of legislation and to try

and parse it through as though the end goal were the legislation. The end goal for the administration is can the President keep our exports rolling out the door -- make it here, sell it there. Can he at the same time promote and expand labor principles, particularly labor rights, as they are viewed -- core labor standards. Can he help promote and ensure sustainable and responsible environmental development. Those are the goals.

There is no legislation we would put forward under which he could not pursue vigorously each of those goals. Let's keep our eye on the ball. The key, the critical element here is the ability of the United States to move forward on all three fronts simultaneously.

Q What is the rationale for not including specific protections for labor and the environment inside the core agreement? What's the rationale for not doing it? Why do you have to put it as a side agreement?

AMBASSADOR BARSHEFSKY: We're not commenting now on what we're putting in the agreement or what we're not putting in the agreement.

All I'm suggesting is the matrix looks something like this: There are three goals. Gene has laid out three or four or five means of achieving or enhancing those goals -- the means being what's in the bill, what are supplemental agreements, what do you do in international fora, and under that heading, multilateral fora, and what do we do regionally in the FTAA, in APEC, what do we do in the OECD, what do we do in the ILO, what do we in UNCTAD. Then individual initiatives that the administration and our business community and labor unions work on, like the sweatshop initiative.

So there are a variety of means to pursue the aims that are so important to the President and so important to the country, and that's the critical aspect here.

Q How can you sell open trade, free trade at a time with rising trade deficits, particularly with China and Japan? And Japan -- there are so many problems between the United States on the trade front, especially with a much-touted 1995 agreement on car trade -- how are you going to do that at this time when there seems to be so many troubles on that front?

AMBASSADOR BARSHEFSKY: We know that trade deficits are the function of many things, principally macroeconomic and not principally trade policy related, to

the extent -- and we have always said this -- to the extent portions of trade deficits are attributable to trade barriers. We need to identify those barriers and to bring them down.

In the case of Japan we have concluded 30 market opening agreements. Exports under those agreements are about triple the rate of our export growth to Japan overall. With respect to autos, there are two issues. One is vehicles, one is auto parts. Our auto parts trade is actually looking fairly strong. It's on the vehicle side where a combination of factors, including a shift in exchange rates, has dampened somewhat our exports to Japan and has increased Japanese exports to the United States.

We will have a review of the auto agreement with Japan in early October, looking particularly for Japan to continue the process of deregulation in its own economy that will provide us more benefits. But the key here -- again, let's keep our eye on the ball -- the key here is our export performance, our export performance. That's what shifts the locus of job creation to higher-paying jobs. That is what provides tremendous opportunity for our workers at high wages. And our export performance has been unparalleled.

Q If you have been able to reach those agreements without fast track, why do you need fast track to -- basically, you've been very successful without fast track up to now.

AMBASSADOR BARSHEFSKY: Agreements -- the President, as you know, has executive authority, constitutional authority to negotiate with foreign parties. And most of the agreements that we have done have been agreements that break down foreign barriers in a particular sector, not requiring the United States to take any action on its own. But in the case of three agreements in particular, and then the agreements that I've already outlined, the United States would have to take legislative action. The three agreements we did conclude where fast track was necessary were the conclusion of the Uruguay Round, the NAFTA, and the information technology agreement. And fast track was necessary because we were reducing tariffs and because we were making additional U.S. law changes.

As we look at the future agenda, the entirety of the WTO agenda will require further movement on tariffs, as well as some movement on U.S. law changes, fast

track would again be necessary. Similarly on ITA-2 with respect to tariff reductions.

MR. SPERLING: I just want to add, just to make it a little more specific -- without the fast track and Uruguay Round, the pre-Uruguay tariff -- weighted tariff for Thailand was 41 percent. Now it's 26 percent. So we're talking over the last four years whether products made in the United States would be subject to that much higher of a tariff. For Korea, 16.2 percent to 7.7; Singapore 16.2 percent before Uruguay, 1.3 percent now -- to the degree that increased exports have been part of an economic strategy that has helped strengthen this economy, and this is a period where we've had a significant drop in unemployment, a historic job creation, so while there are many challenges with change and many people, even in the best of times, who struggle -- to the extent you've had a strong economic strategy and exports have been part, to the degree that that is obviously helped by having lower tariffs, those would not exist. All of the differences mentioned here would not exist but for the fast track authority there. So you can look forward, but you can also look back at the lower tariffs our exports have faced that would not exist today were it not for the President having fast track authority.

Q Why don't we have a bill yet? What's the hold-up?

MR. SPERLING: There's nothing complicated here. After the budget, which I think was signed on August 5th, we -- and then the line item veto I think was taken care of around the middle of August -- we started doing consultations on the Hill. As we did them, as we talked to people, it was very clear to us that it would be more helpful in getting bipartisan support, more helpful in creating a tone and an atmosphere of inclusiveness if we took a few more days to consult and to hear more people out.

I can tell you firsthand there is a fundamental difference between going to a meeting in which you say, we've already made every decision and we're just here to tell you what we're going to do, and a meeting where you come and say, we've held up things a bit because we want to get your input before we make final decisions. And everything you learn working in the White House and dealing with Congress is that you err on the side of inclusiveness and consultation and I will tell you, on any bill, on any piece of legislation, at any time, if there's a

choice between meeting a self-imposed or press-imposed deadline on a particular bill and doing the necessary consultation that allows you to include more people's thoughts and ideas and get more support, I'll choose the latter every time.

Q When will there be --

MR. SPERLING: I think most of the consultations that we wanted to have and consider, we have or have scheduled, so I think we're certainly aiming for next week.

Q Gene, how likely is it that the legislation is going to change between now and then? Is the President eager to try to make fine-tuning changes that would appeal to Democrats, to labor environment?

MR. SPERLING: Again, you'll see the legislation when we put it out next week.

Thank you.

END

3:50 P.M. EDT

12

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Hofmann to Cicio et al re discussion paper (7 pages)	09/12/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sep 97-Jan 01) ([sweatshop ...])
OA/Box Number: 620000

FOLDER TITLE:

[09/04/1997-09/16/1997]

2018-1072-F

kc2354

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]

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

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Exchange Mail

DATE-TIME 9/16/97 10:35:40 AM
FROM Kyle, Robert D.
CLASSIFICATION UNCLASSIFIED
SUBJECT "DIRECTLY RELATED TO TRADE" [UNCLASSIFIED]
TO Eddleman, Linda .

CARBON_COPY

TEXT_BODY Attached is a copy of the difficult Q&A's, which should be added to the composite Q&A package you are assembling. Bob

TRANSLATED_ATTACHMENT

fileqa.doc
FAST TRACK Q&A'S

"DIRECTLY RELATED TO TRADE"

Q: What does it mean to say that any labor/environment provisions brought back on fast track must be "directly related to trade"?

* It means that labor and environmental provisions having a direct relationship to trade can be included in fast track legislation.

* It is one part of our overall commitment to labor and the environment. As the President has stated, he is committed to pursuing three objectives as we move forward: 1) to open foreign markets and create good U.S. jobs; 2) to promote labor rights; and 3) to promote responsible environmental development. Throughout this debate, our goal has been to ensure the President has the capacity to pursue all three objectives effectively.

* The Administration's bill gives the President ample latitude to accomplish his labor/environment objectives. He has many tools at his disposal:

* Trade Agreements. As we said, the bill permits labor/environmental provisions "directly related to trade" to be brought back to Congress under fast track authority. This is only one tool he can use.

* Global Negotiations: This Administration has done more than any other to press countries to improve labor rights and environmental protection - and we will continue to do so. The bill itself contains a negotiating objective encouraging us to make progress in these areas in the WTO and the ILO. In addition, we will continue to press in other for a, like the World Bank, IMF, other international financial institutions and the UN. We should be concerned about improving the conditions in all countries, not just in free trade partners.

* Side Agreements: The President has extensive executive authority to reach labor/environment agreements with countries. These agreements do not require Congressional approval. In the context of future free trade agreements, we have committed to conclude companion labor/environment agreements, when appropriate. Chile has already agreed to enter such agreements.

* The important point is to secure fast track authority. If we pursue trade negotiations, we have a much better chance of engaging these countries on labor and environmental issues. Rejecting fast track will not advance our interests on labor/environment.

Q: But what does the term "directly related to trade" mean?

* It means that a discrete set of provisions directly related to trade could be included in the fast track legislation. We are still discussing the precise definition with Congress, but examples include establishing the principle that countries should not lower their environmental or health and safety standards to

attract foreign investment or provisions relating to the ability of a country to use sanitary/phytosanitary measures as a disguised form of trade protection.

* Remember that this is only one tool we have to pursue our labor and environmental objectives. We believe the combination of side agreements and other measures already give us much latitude to pursue our objectives.

Q: Suppose a country lowers its child labor standards to attract foreign investment or to export cheaper products to the U.S. Could this be included in the trade agreement?

* Obviously, we are not going to negotiate a free trade agreement with a country that has a heinous labor rights or environmental record, so the issue of what can be contained in an agreement would not arise.

* As to the precise definition of "directly related to trade", we are still working that out with Congress. We would favor a broader definition, but we also need to achieve a bipartisan consensus.

CONTENT OF SIDE AGREEMENTS

Q: What provisions will be contained in any side agreements you reach?

A: That could vary among countries. Different countries would have different conditions and different needs. As a general matter, agreements could include provisions to:

* Promote better enforcement of a country's labor and environmental laws and regulations.

* Encourage greater transparency and public disclosure about a country's labor and environmental standards and performance.

* Provide greater technical assistance to countries to improve their

labor rights
and environmental protection.

We would consult extensively with Congress about our approach in any individual case.

LINKAGE BETWEEN TRADE AGREEMENT/SIDE AGREEMENTS

Q: Do you commit to reach side agreements with all future free trade agreement partners?

* We reached side agreements with Mexico and Canada during those free trade negotiations. We have already said we will negotiate side agreements in the context of free trade talks with Chile - and Chile has agreed to do it.

* There may be instances when side agreements wouldn't be necessary (England, Sweden) but we would negotiate them when they are appropriate. In any case, we will move forward in full consultation with Congress.

SANCTIONS AND SIDE AGREEMENTS

Q: Would you make any future labor/environmental side agreements enforceable through trade sanctions?

* We will ensure that any side agreements we reach are enforceable through sanctions (whether monetary fines or other methods).

Q: Yes, but would you entertain the use of trade sanctions to enforce the agreements, as you did in NAFTA?

* At this time, the only bilateral free trade agreement we envision negotiating

is with Chile. Chile has agreed to enter labor/environment side agreements enforceable by monetary fines. We think that will provide sufficient enforcement. Therefore, the question of other bilateral free trade agreements - let alone how they would be enforced - at this point is pretty theoretical.

* We would need to consult with Congress extensively before we pursue another bilateral free trade negotiations. If that situation arises, we will consult on this question as well.

Q: But at the end of the day, would you consider using trade sanctions?

* In most cases, we believe enforcement through monetary fines or similar methods could be effective. If they cannot, we would consider using trade sanctions to collect monetary fines, as we have done in past agreements. We would pursue this approach only after extensive consultation with Congress.

INTELLECTUAL PROPERTY VERSUS LABOR/ENVIRONMENT

Q: Critics charge that you incorporate intellectual property provisions in free trade agreements, but fail to give the same treatment to labor/environmental provisions? Aren't they correct that you care more about American corporations than about American workers?

* First, no Administration in history has been more aggressive in pressing to improve international labor rights or environmental protection. We have:

* Continued to press this agenda in international institutions, like the ILO and WTO. In fact, our fast track bill contains a negotiating objective directing us to continue this effort.

* Made a commitment to negotiate labor/environment side agreements in the context of future free trade agreements, when appropriate. We will negotiate such agreements in the context of the Chilean free trade talks. Those agreements can make a difference: there have 7 cases brought involving labor violations under the NAFTA side agreement, none brought for IPR violations under the NAFTA itself.

* Other initiatives, like the President's 1996 Apparel Industry Partnership ("No Sweat Initiative"), a collaboration between labor, business and NGO's to encourage adoption of a code of conduct prohibiting exploitative child labor and encouraging humane working conditions.

* As to the critics' charge, there is a fundamental difference between intellectual property rights and labor/environment. Violations of intellectual property rights relate to the product itself, which is being exported to the United States. The issue of labor/environment involves more broadly the entire social and legal structure of the foreign country, which goes beyond trade concerns. That's an important difference.

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004. email	Millison to Cosgriff re Haiti paper (8 pages)	09/16/1997	P1/b(1)

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