

THE WHITE HOUSE
WASHINGTON

DATE: 04/26/93

NOTE FOR:

THE VICE PRESIDENT
SANDY BERGER
CAROL RASCO
THE FIRST LADY

The President has reviewed the attached, and it is forwarded to you
for your:

Information XXX

Action

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE PRESIDENT HAS SEEN

4.26.93

THE WHITE HOUSE

27261

WASHINGTON

April 26, 1993

93 APR 26 AM 11:54

bill

*agreed with Tony...
cannot federalize...
trustees*

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE *RL*

SUBJECT: UN Convention on the Rights of the Child

Purpose

To provide you with information necessary to decide on an interim U.S. position on the UN Convention on the Rights of the Child.

Background

The Executive Board of United Nations Children's Fund (UNICEF) is meeting in New York. Marian Wright Edelman, your newly appointed delegate to the Board, will be in attendance. Ms. Edelman would like to voice support for the United Nations Convention on the Rights of the Child, which the U.S. has yet to sign. Specifically, she would like to announce either that the United States is signing the Convention, or, alternatively, that the Administration is strongly disposed to the Convention and is conducting a rapid inter-agency review.

✓ The UN General Assembly adopted the Convention on the Rights of the Child in 1989 after 10 years of difficult negotiations. More than 150 countries have signed and/or ratified the Convention, including all of the NATO countries except the United States.

The goals of the Convention are highly commendable, as the Convention requires that each state party ensure to every child within its jurisdiction a broad list of enumerated rights without discrimination of any kind. The Convention does, however, present some difficult legal and policy issues, and the Bush Administration ultimately chose not to sign it.

The enclosed memorandum from the Department of State (Tab A) lists a number of legal and political problems connected with the Treaty, including that the Treaty:

- "federalizes" several areas traditionally considered to be within the jurisdiction of states, such as measures for child development and protection, custody and visitation, adoption and foster care, and education and welfare;

- would require the government to provide children with opportunities (e.g., rest, leisure, play and recreation) that are the traditional responsibilities of private parties in our society;
- may be viewed as calling for substantial new benefit programs for children with significant resource implications.

(*) The State Department points out that these issues will require that the U.S. either take reservations, understandings and declarations in ratifying the Convention or pass legislation implementing those provisions currently incompatible with U.S. law and practice.

At issue is not whether we should consider signing, but at what point we should commit to signing. Marian Wright Edelman, the human rights and children's advocacy groups, and John Shattuck (the Assistant Secretary-designate for Democracy, Human Rights and Labor) believe that we could commit now to signing, confident that all of the aforementioned issues are manageable. They are probably correct, but the Office of the State Department Legal Advisor believes it is unwise to commit to signing before a quick interagency review process that determines that we could put together a package of reservations, understandings and declarations to accommodate them. (This challenge is compounded by a Treaty provision that prohibits any reservations incompatible with the Treaty's object and purpose.) We do not have a position from Secretary Christopher or Attorney General Reno. Nor have other agencies which would be affected by the Convention, such as Education and HHS, been consulted.)

Walter Dellinger has reviewed the materials for Bernie Nussbaum. He believes that the issues identified in the State paper are sufficiently significant to warrant a proper and prompt interagency review of the Convention. While he believes that such a review is likely to conclude that the United States can and should sign and ratify the Convention, subject to appropriate reservations, he also believes you should have the benefit of the results of a full review by your appointees before you make your decision. My staff concurs.

On balance, I also concur. We can authorize Marian today to make a positive statement about the Convention, which will mark a departure from the previous Administration. The full interagency review should be completed in several weeks, and we can look for another appropriate event to announce the results and our decision to sign.

RECOMMENDATION

That you authorize Ms. Edelman to state that the Administration is positively disposed to the Convention and that you have directed an expedited inter-agency review, with a view toward signing the Convention.

Approve Disapprove

Alternatively, that you authorize Ms. Edelman to state that the Administration has decided to sign the Convention.

Approve Disapprove Attachments

- Tab A Memorandum from the Department of State, along with summary of the Convention.
- Tab B Memorandum from Ms. Edelman
- Tab C Rights of the Child Convention

THE WHITE HOUSE

27261

WASHINGTON

April 26, 1993 11:54

Podesta just called & ask that I fax this for your comment ASAP.

Rozzy

file

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE *[Signature]*

SUBJECT: UN Convention on the Rights of the Child

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Background

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RECOMMENDATION

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Approve _____ Disapprove _____

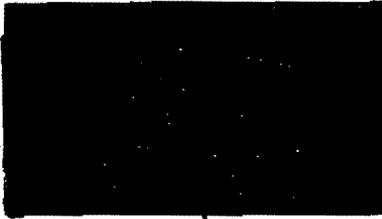
Alternatively, that you authorize Ms. Edelman to state that the Administration has decided to sign the Convention.

Approve _____ Disapprove _____

Attachments

- Tab A Memorandum from the Department of State, along with summary of the Convention.
- Tab B Memorandum from Ms. Edelman
- Tab C Rights of the Child Convention

THE WHITE HOUSE
WASHINGTON



DATE: 4/12

NOTE FOR: *Tony Lake*

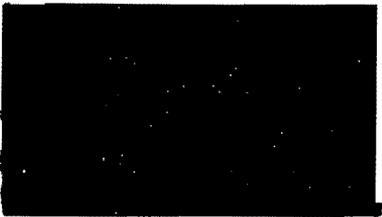
The President has reviewed the attached, and it is forwarded to you for your:

Information

Action

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)



cc: *Carol Rasco*

THE PRESIDENT HAS
THE PRESIDENT HAS

4-12-93

THE WHITE HOUSE
WASHINGTON

April 8, 1993

93 APR 8 11:48

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
HOWARD PASTER

SUBJECT: *file on this title* United Nations Convention on the Rights of the Child

Purpose

To respond to Senators Leahy, Lugar, Bradley and Hatfield.

Background

Senators Leahy, Lugar, Bradley and Hatfield have written to you urging you to support the United Nations Convention on the Rights of the Child. The Convention establishes minimum standards for governments in realizing basic rights for children. Further, the Convention establishes a committee of experts to monitor the performance of governments in meeting these standards, and to support governments in this effort.

The U.S. position on a range of human rights-related treaties is now the subject of a State Department review, and we should soon receive an options paper on these issues. Attached for your consideration is a letter that expresses support for the goals of the Convention on the Rights of the Child without prejudging the results of that review.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

- Tab A Draft Letter^s to Senator Leahy, Lugar, Bradley and Hatfield.
- Tab B Incoming Correspondence

How can we force a genuine agreement between the two sides?

THE WHITE HOUSE

WASHINGTON

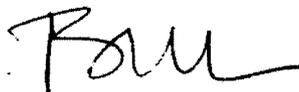
Dear Mr. Chairman:

Thank you for your letter regarding U.S. ratification of the Convention on the Rights of the Child.

We currently are reviewing the possibility of U.S. accession to a variety of human rights-related instruments. The Convention on the Rights of the Child is one of the subjects of that review. As you may know, accession would require that we resolve legal questions concerning the relationship between the Treaty and state and local laws. Let me assure you, however, that I strongly endorse the goals of this Treaty, which, if realized, would help to ensure that children here and abroad grow up in a safe and nurturing environment.

I appreciate learning of your interest in this Treaty, and hope to work with you on this and other issues relating to protection of international human rights.

Sincerely,



The Honorable Patrick J. Leahy
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

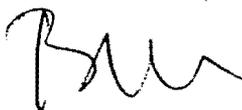
Dear Senator Lugar:

Thank you for your letter regarding U.S. ratification of the Convention on the Rights of the Child.

We currently are reviewing the possibility of U.S. accession to a variety of human rights-related instruments. The Convention on the Rights of the Child is one of the subjects of that review. As you may know, accession would require that we resolve legal questions concerning the relationship between the Treaty and state and local laws. Let me assure you, however, that I strongly endorse the goals of this Treaty, which, if realized, would help to ensure that children here and abroad grow up in a safe and nurturing environment.

I appreciate learning of your interest in this Treaty, and hope to work with you on this and other issues relating to protection of international human rights.

Sincerely,



The Honorable Richard Lugar
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

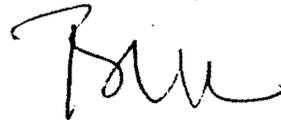
Dear Bill:

Thank you for your letter regarding U.S. ratification of the Convention on the Rights of the Child.

We currently are reviewing the possibility of U.S. accession to a variety of human rights-related instruments. The Convention on the Rights of the Child is one of the subjects of that review. As you may know, accession would require that we resolve legal questions concerning the relationship between the Treaty and state and local laws. Let me assure you, however, that I strongly endorse the goals of this Treaty, which, if realized, would help to ensure that children here and abroad grow up in a safe and nurturing environment.

I appreciate learning of your interest in this Treaty, and hope to work with you on this and other issues relating to protection of international human rights.

Sincerely,



The Honorable Bill Bradley
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

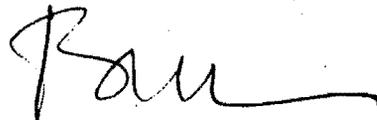
Dear Senator Hatfield:

Thank you for your letter regarding U.S. ratification of the Convention on the Rights of the Child.

We currently are reviewing the possibility of U.S. accession to a variety of human rights-related instruments. The Convention on the Rights of the Child is one of the subjects of that review. As you may know, accession would require that we resolve legal questions concerning the relationship between the Treaty and state and local laws. Let me assure you, however, that I strongly endorse the goals of this Treaty, which, if realized, would help to ensure that children here and abroad grow up in a safe and nurturing environment.

I appreciate learning of your interest in this Treaty, and hope to work with you on this and other issues relating to protection of international human rights.

Sincerely,



The Honorable Mark O. Hatfield
United States Senate
Washington, D.C. 20510

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003878

United States Senate

WASHINGTON, DC 20510

February 18, 1993

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

On November 20, 1989, the United States joined other members of the General Assembly in the unanimous adoption of the United Nations Convention on the Rights of the Child. It is now time that the United States join the ranks of the 128 other nations, including all of the industrialized Western countries, that have ratified the Convention. The Convention is an important and effective document. It has the support of both Houses of Congress and from both political parties. Furthermore, the Convention has been endorsed by a broad coalition of groups: AFL-CIO, Oxfam America, B'nai B'rith International, the Children's Defense Fund, Christian Children's Fund, U.S. Committee for UNICEF, American Association of Retired Persons, Association of Junior League International, Catholic Charities and Amnesty International.

The Convention on the Rights of the Child, if implemented, will help ensure that children here and abroad grow up in a safe and nurturing environment. The Convention recognizes that children are the most vulnerable segment of any society, and need special protections. And it provides for the most basic political, legal, economic, social, and cultural rights of children. It simply establishes minimum standards that governments should strive for in realizing these rights.

Perhaps even more important, the Convention will establish legal minimum standards for the treatment of children in other countries. Countries without child labor laws would be urged to enact them. Torture of children would be forbidden. Governments would be encouraged to provide primary health care and education. The Convention establishes a committee of experts to monitor the performance of governments in meeting these standards, and to support these governments in this effort.

We urge you to give the Convention the support it deserves by signing the Convention and sending it to the Senate for consideration.

Respectfully,

Richard Lugar
Richard G. Lugar

Bill Bradley
Bill Bradley

Patrick J. Leahy
Patrick J. Leahy

Mark O. Hatfield
Mark O. Hatfield