



DEPARTMENT OF STATE
BRIEFING MEMORANDUM

Aug 8, 1974

SS *ay*

XR May 14, 1974
has attached
XR-7489527

LIMITED OFFICIAL USE

To: The Secretary
Thru: The Deputy Secretary
From: M - L. Dean Brown

Human Rights and Humanitarian Affairs

The Problem: The Department lacks a focal point for humanitarian affairs. Whether or not to reorganize the presently dispersed functions and the degree of change depend on your views.

Background: There is no firm central policy direction for such disparate programs as refugee assistance, asylum, disaster relief, prisoners of war, development assistance and food relief. These have developed on an ad hoc basis since the end of World War II. Responsibility is spread over several offices in the Department and AID.

More recently the issue of human rights in the conduct of foreign affairs has been raised by several Congressmen including the Chairman of the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs - Donald Fraser. We have responded to some of these pressures by designating human rights officers in the regional bureaus and in L and IO. This, however, is not responsive to Senate views that would establish a new Bureau of Humanitarian and Social Services headed by an Assistant Secretary of State. The voluntary agencies that play a major role in funding and operating relief programs abroad are also seeking enhanced status for this work in foreign policy considerations.

There is no agreement within the Department or outside on how to handle this problem. There is no consensus on what "human rights" does or should cover or even if this aspect should be blanketed into the same office with other humanitarian affairs.

LIMITED OFFICIAL USE

REVIEW	
Cat. A	Caption removed: referred to OIA/DC
Cat. B	referred to OIA/DC referred to OIA/DC captioned by SS
Cat. C	referred to OIA/DC captioned by S/S
Reviewed by:	<i>OVA</i>
Date:	<i>9 19 77</i>

**MICROFILMED
BY S/31**

LIMITED OFFICIAL USE

-2-

The options range from preserving the status quo to the creation of a new bureau. Within each option are sub-options dealing with personnel considerations, permutations in the delegation of your statutory authority, resource allocations and the like which are not necessary for you to decide upon in detail.

The first option is to do nothing. It can be argued that: (a) present operating arrangements for humanitarian affairs are working effectively; (b) there is a logical division between multilateral matters handled by IO and bilateral affairs traditionally accomplished in the regional bureaus; (c) a new office would further fragment this function; (d) the role of human rights in foreign affairs needs thorough study and refinement before the Department plunges into a major organizational change based upon external pressures; and finally (e), we would need more time to find and train specialists in human rights and humanitarian programs before embarking upon a radical departure from current operational procedures.

A second option would involve a minor reorganization of the Office of Refugee and Migration Affairs (ORM). This office would be renamed the Office of Humanitarian Affairs (OHA). Reallocation of responsibilities within ORM would be necessary to provide positions for an expanded mission to include policy monitoring of disaster and food relief and development assistance. Operations would remain in place in AID (disaster relief) and D/PW (prisoners of war). Human rights matters would continue to be conducted by IO as at present, and an additional officer would be added to its human rights staff. Each regional bureau would designate a human rights officer for bilateral problems and as liaison with OHA and IO. Such concessions should serve to stave off Congressional pressures. They would not ruffle feathers in concerned offices in State and AID. Some infusion of new blood in ORM would provide a base upon which we could build a stronger OHA.

A third option would go beyond "cosmetic" reorganization. It would create a new office headed by a senior advisor who would report to a Seventh Floor principal. The essential difference here would

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

-3-

be that both the Office of the Special Assistant to the Secretary for Refugee and Migration Affairs (S/R) and ORM would be abolished and their functions incorporated in the new office. Part of the twelve officer ORM staff would be retained in the new office and D/PW would move in, perhaps as one of two deputies to the senior advisor. This office would provide policy guidance over a broad spectrum of human rights and humanitarian affairs and exert a major influence in setting budget priorities. This option begins to attack the core problem of the need for fresh and dynamic leadership, plus providing other advantages listed for earlier options.

A fourth option would carry the reorganization forward both substantively and institutionally. It would involve the appointment of a Director with the administrative rank of deputy assistant secretary in the office of the Under Secretary for Political Affairs, thus providing a high-level channel for inserting humanitarian affairs into the mainstream of political policy decisions. The Director would have delegated authority over both plans (including budgets) and operations. He would have direct supervision over all operations, both bilateral and multilateral, including those presently in AID, D/PW and IO. This option would involve major transfers of personnel and resources. It would provide unambiguous evidence that the Department is moving vigorously to ensure that enlightened, coordinated consideration is being given to humanitarian issues in all major policy determinations.

The fifth and most drastic option would be that now espoused in the Senate of creating a new Bureau of Humanitarian Affairs headed by an Assistant Secretary reporting directly to the Secretary. The staff would be enlarged to encompass total involvement in the planning, budgeting, programming and operation of all continuing as well as one-time humanitarian and relief programs. It would contain a separate office of human rights. It would require its own budget which could be only partially filled by reallocating funds from S/R, ORM, IO, D/PW and AID. This option would provide the strongest possible evidence that the Department had seized the initiative in moving humanitarian affairs and human rights to a level co-equal with political

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

-4-

and economic policy concerns. Since, to our knowledge, no other Foreign Office in the world has so elevated the humanitarian aspects of foreign affairs, this option could have international implications.

Analysis of Options: The central issue is how far we want to go and how fast. The status quo option is not really viable except as a holding position. We could study the situation again (the Inspector General has already done this), but in view of the fact that we have already taken some small steps (see Tab A) to elevate the role of human rights in foreign policy considerations, we have already signaled our interest in moving ahead.

Both a status quo position and a cosmetic reorganization using the present ORM staff in a somewhat expanded area of responsibility, risk another statutory reorganization such as happened with the establishment of the Bureau of Oceans and International Environmental and Scientific Affairs (OES). Moreover, there would be strong in-house objection on the part of other humanitarian affairs program directors and regional bureaus to policy guidance from a staff of refugee specialists, many of whom have been in place for years and would not provide dynamic leadership.

The first two options would do little to reduce our vulnerability to Congressional and other external pressures whereas the third one, while conservative, has a potential for doing so. The key to the success of the third option is the person chosen to head the new office. A senior officer with outstanding leadership qualities could placate Congress, provide constructive guidance to the voluntary agencies, reduce in-house objections to centralized functional policy management, and make humanitarian programs more effective. In this option, as in the two that follow, a thorough-going shakeup of ORM is a necessary first step. Operating programs would be left in place in AID and IO, thereby preserving existing effective program direction. Under these circumstances, D/PW probably would not object to being integrated into the new office. This alternative is the least disruptive in terms of organizational changes. It provides a basis for building future changes slowly.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

-5-

The fourth option moves in the direction of a separate Bureau of Humanitarian Affairs. It provides for a Director with the administrative rank of deputy assistant secretary. He would have centralized authority over plans, resources and operations in both bilateral and multilateral channels. Strong opposition from AID and IO can be expected. This alternative would give the appearance of reduced status since an Office Director at the DAS level is ostensibly lower in the hierarchy than S/R and he would report to P rather than D. Despite appearances, this arrangement would provide the most effective channel for substantive consideration of humanitarian issues. It would place the function at an appropriate level where it would receive more attention than if it were located in the over-burdened office of the Deputy Secretary.

The last option, creating a new Bureau, would not improve operating efficiency, but it would convey most strongly the appearance of enhanced status. It would, of course, bring us up against the need for legislation if the bureau is to be headed by an additional Assistant Secretary. It would also increase the Secretary's burdens directly. Some see this Bureau as a kind of "conscience of the Department" and this could cause substantive problems. On the other hand, merging good works programs (disaster relief, food) with the far more tendentious human rights area could provide a useful mix.

In all of the options listed above, present personnel and budget resources would be about the same. Reallocation of resources would vary in degree from none to fairly drastic in the case of a new Bureau. Integration of disaster relief programs would, of course, involve transfer of funds from AID.

The Options:

1. Keep present organization and responsibilities.

Pro: Not disruptive; operating programs are effective; pressures for reorganization are not strong; useful to play down human rights.

Con: Risk statutory reorganization; no longer viable in view of organizational changes already made in Department; maintains deadwood in place; viewed by some as fragmenting the function and increasing layering.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

-6-

2. Use the present staff of ORM, change name, add a few minor responsibilities, leave in S.

Pro: Would probably be sufficient to placate Congress; leaves S/R reporting directly to the Secretary for enhanced status; avoid undesirable emphasis on human rights; preserves effectiveness of non-integrated operational programs.

Con: Same as for Option 1 above.

3. Create a new office headed by a senior advisor reporting to a Seventh Floor principal responsible for all policy guidance.

Pro: Removes ORM from core organization; opportunity for new dynamic leadership; acceptable to concerned Bureaus and Offices; provides base for future growth.

Con: Difficult to dismantle ORM; could be viewed as downgrading humanitarian function by removing it from S; possible charge of layering.

4. Director reporting to P and responsible for both plans and operations.

Pro: Most effective option both institutionally and substantively; would position humanitarian affairs in optimal spot for impact on policy decisions; could serve as Department's "conscience," plus advantages listed under Option 3 above.

Con: Invites charges of downgrading (from S to D to P); will provoke serious confrontations with IO and AID; disruptive to on-going effective operations; requires dismantling ORM.

5. Create a new Bureau headed by an Assistant Secretary reporting to the Secretary.

Pro: Best way to placate Congressional pressures; most positive evidence of status; provides functional integrity.

Con: Requires legislation; would necessitate major reallocation of resources; increases Secretary's burdens.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

Bureau Views: ORM prefers Option 5. It sees itself as the core of the new Bureau and S/R as the Assistant Secretary. ORM believes that a Bureau will have to be established sooner or later in the Department owing to pressures from Congress, the voluntary agencies, religious organizations and ethnic groups. Further, ORM believes that human rights should be integrated into the new Bureau since this area can operate more effectively outside of the UN context.

IO prefers Option 1. It believes that integrating human rights with other more spectacular humanitarian issues would result in burying the former. Moreover, it believes human rights concerns in the Department "largely stem" from UN Charter provisions. IO, backed by NEA, strongly opposes separating the UNRWA program from other aspects of our UN relations. It believes that its coordinative responsibility through UN development, food, UNICEF and disaster relief meets current needs; a new office or bureau would represent layering and would sap the strength of the line bureaus. IO argues for a new study by a task force or S/P to chart new directions rather than creating a new organization to handle what may be a temporary problem.

AID would probably prefer Option 1 and would not object strenuously to Option 2. As long as any reorganization is confined to the Department and no AID prerogatives are threatened, it would remain neutral. AID has reservations about the Department's capabilities for running disaster relief programs. It could probably be persuaded to accept a larger measure of policy guidance from State, but would balk at operational guidance and/or takeover.

L, having designated a human rights officer, would probably be amenable to Options 2 and 3 as long as the selected option did not affect L's role as a service staff (i.e., no take-over of the human rights legal advisor).

D/PW is persuaded of the logic of reorganization despite the fact that it would impinge on his direct access to D. Given a change in leadership, D/PW would probably be amenable to integrating his programs in a larger humanitarian affairs office or bureau.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

-8-

You will note that I have not myself recommended a particular option. It is not an easy subject to sort out. What I need before going further is some sense of your own thinking.

Attachment: *

1. Tab A - M/MS memo dated May 14, 1974

M/MS:STTait:pep
8/8/74 x-23796

LIMITED OFFICIAL USE