

CONFIDENTIAL

115/23/37

Your file: 115/23/37

Our file: 3/88/1

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FROM:	NEW YORK	C04446/NYK	11-May-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
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	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
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MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

P/S MFA
 DEFENCE HQNZDF (DSIA, OPS, DDI)
 DEFENCE MOD (GENTLES)

Subject
 SECURITY COUNCIL: RWANDA

Thanks your U49301.

Summary

- Most council members were generally supportive of approach in Sec-Gen's non-paper, though a number sought clarification about likelihood of parties agreeing to an expanded mission of the kind proposed and in particular to establishing Kigali airport as a neutral zone.
- We and French also raised questions about feasibility of conducting operations under Chapter VI.
- US remains reluctant to contemplate any expanded operation within Rwanda of peace enforcement nature and has proposed instead establishing a UN presence along the borders to secure "protective zones".
- Nigerians have circulated draft resolution based principally on NZ draft but including ideas from NAM text and incorporating revised mandate as proposed in SecGen's non-paper.

Action

For comment on draft resolution.

Report

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At informals tonight, members gave preliminary reactions to the SecGen's non-paper. Most, including UK, France, China and non-NAM, were broadly supportive of the approach. A number raised questions, however, about the assumptions on which the expanded UNAMIR was premised.

2 We and a number of others noted that the operation appeared to depend on the establishment of Kigali airport as a neutral zone when, in fact, the airport was currently one of the prize military targets being fought over by the two parties. Accordingly, clarification was sought from the Secretariat as to how likely it would be that parties would agree to establishing such a neutral zone and indeed as to whether they were likely to accept an expanded operation of the kind proposed.

3 We and the French also sought clarification about the feasibility of operating under Chapter VI alone. The French said they were open minded on this issue but considered that there needed to be some assurance that the force would have the necessary powers to carry out the mandate and particularly with regard to the protection of displaced persons. We reiterated this point and went on to note that the issue was also important in the context of any deployment in areas where government militias were operating, given tenuous nature of government control over these forces.

4 Spain, Czech Republic and we also noted that it would be important to make some provision for the investigation into human rights abuses. UK and France stressed that the first priority had to be humanitarian relief and UK suggested that human rights issues (and issues relating to the political process, ie Arusha Peace Process) might better be left to a later stage least they complicate the process of getting the parties to agree to the deployment of an expanded force.

5 On the other hand, Nigeria said that they considered that the expanded force should deal with humanitarian, security and political issues and should also, at some point, make provision for investigation into human rights abuses. Brazil stressed the importance of a political framework particularly based on the Arusha peace agreement.

6 The US took a markedly different approach. They said that they would not support a full enforcement operation. They considered that the most profitable approach was one focussed on providing assistance to the displaced persons congregated on the borders. They noted that SecGen proposal fell somewhere between these two options but had some of the disadvantages of the enforcement option. Text of Mrs Albright's speaking notes is in accompanying fax.

7 No other delegation gave explicit support to US approach, although Russians came close in some of their remarks. We know from conversations with RPF that they would prefer this

limited approach, principally because it would leave them free to continue to make military advances. Their perspective is that there is no danger to the civilian population in areas under their control so there is no need for widespread UN deployment in these areas.

8 Secretariat sought to answer some of the questions raised in the debate. Baril (Military Adviser) stressed the strategic significance of Kigali and said that this was undoubtedly the best place to locate and focus an expanded operation. On the other hand, he acknowledged the difficulties of concentrating an expanded force in what is still a war zone and said that the UN needed control of Kigali airport. He suggested the Security Council might pressure the parties to agree to the establishment of the airport as a neutral zone. At the same time, he said that UNAMIR was currently exploring other possibilities for establishing alternative supply routes, including use of alternative airfields in both government and RPF held areas. The most promising of these for technical and logistical reasons was resupplying from Uganda in the north.

9 In response to our queries about Chapter VI and the rules of engagement, Baril said that a fundamental principle of any chapter VI operation was the minimum use of force. On the other hand, the rules of engagement provided that UN forces always had the right to act in self defence and this concept of self defence included acting in defense of a mandate. Accordingly, if the Council were to give the expanded force a mandate to protect displaced persons, then UN soldiers would be acting in self defence if they had to use force to protect such persons. (It may be that Secretariat is tailoring its advice to meet the political fact that Chapter VII is unacceptable to the US and perhaps some others since Baril's advice does not square with what happened to the Belgian peacekeepers who took no action before being killed when "protecting" the Prime Minister.)

10 Presidency circulated a draft resolution which it described as a synthesis of the drafts prepared last week by the NAM and NZ but picking up ideas from the SecGen's non-paper. In fact, draft is based heavily on NZ draft (as Nigerians emphasised to us again today in private) but contains some of the less objectionable elements of the NAM draft in order to assuage sensitivities in that quarter. Draft also picks up completely para 11 of the SecGen's non-paper as the description of the revised mandate, with one important addition in section C relating to human rights.

11 Gambari proposed that further discussion of the SecGen's non-paper and a preliminary exchange on the draft resolution should be held at informals tomorrow (12 May) and that a working group on the resolution should be established on Friday 13 May.

12 Secretariat gave a further briefing on the situation on

the ground. Although there had been a relative lull in fighting over the weekend it had intensified earlier this week. There had been fierce exchange of mortar and artillery fire in the north and north-eastern sections of Kigali. The market and city section had been shelled causing panic among civilians, 40 of whom were killed including three local journalists. The area around UNAMIR headquarters had also been shelled and the TV station controlled by the "interim government" damaged. "Interim government forces" may be holding their position in the city although there are also some indications that the RPF is gaining ground. Both parties were consolidating their forces in Kigali.

13 Unfortunately one UNAMIR soldier (Ghanan) was killed on Monday as a result of shelling of the stadium where UNAMIR is protecting civilians. Fighting continues in other areas of Rwanda and reported massacres by militia groups in government held areas continues. Despite calls for a ceasefire, RPF and "interim government" have not agreed to end hostilities and the force commanders intensive efforts in this regard have been fruitless.

14 Special Rep returned to Kigali on 8 May. Human Rights Commissioner (Lasso) arrived in Rwanda earlier this week and has been briefed by the Special Rep and is travelling to meet the RPF commander in Byumba. He will have meetings with the "interim government" tomorrow (12 May).

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End Message