

15/23/37

Your file: 115/23/37

Our file: 3/88/1

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FROM: NEW YORK	C04457/NYK	13-May-1994
TO: WELLINGTON	WGTN UNSC	Immediate
CC: EC POSTS	BEIJING	Routine
CANBERRA	HARARE	Routine
MOSCOW	OTTAWA	Routine
SANTIAGO	TOKYO	Routine
WASHINGTON	GENEVA	Routine
DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DSP1, EAB)

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

Subject

SECURITY COUNCIL: RWANDA

- Vote on resolution delayed until early next week in light of US lack of instructions
- Advance copy of Sec Gens formal report appears with recommendations relating to tasks and with preliminary costings (\$115 m for six month operation)
- Working group continued its consideration of draft resolution and Council prepared clean text with only a small point remaining in square brackets
- Resolution will include arms embargo despite Rwanda's sole opposition
- NZ insisted on clear and robust recognition that UNAMIR will probably need to use force to protect civilians and humanitarian deliveries
- Firm message given to so-called Foreign Minister of Rwanda who tried to sell us a pack of lies about responsibilities for massacres

Action

For information

Report

2 At conclusion of extensive negotiations on text of draft resolution US indicated that although it has no major

Mr Wood o/r

problems with the text as it now stands, they have broader difficulties needing solution about the concept of operations. Accordingly, it was not possible to proceed to consider the text formally today and it is not clear when US will be in a position to vote, possibly not till Tuesday. We cannot rule out that they will come back with amendments on Monday. Their main concern is of an operational nature ie they question UN military judgement about operating through Kigali. They are, however, prepared to assist with logistic support.

3 An advance copy of the Sec Gen's formal report appeared this afternoon, based in large part on the earlier "non-paper". The expanded concept of operations proposes equal attention being given to establishing access to sites where displaced persons are concentrated to assure their protection, as to the needs of displaced persons in the interior of the country. This leaves the question of whether the operation is Kigali centered, or border centered for the force and the secretariat to decide.

4 Although the parties are expected to establish Kigali airport as a "neutral zone" under UN exclusive control, if continued fighting prevents this however, UNAMIR would use secondary airstrips within the country. Sec Gen's report also noted that the rules of engagement, while not envisaging enforcement action, would have to contemplate UNAMIR II taking action against persons or groups threatening protected sites and the means of humanitarian delivery.

5 Sec Gen estimates cost at \$115m for six months although mandate is governed by Res 909 and expires on 29 July.

6 Working group continued its consideration of the text this morning and this afternoon. Council discussion followed which focused on issues relating to the degree of force required, the nature of the mandate (ie focussed only on safe areas or more broadly on providing protection to civilians throughout Rwanda), arms embargo and the question of investigation into human rights abuses and war crimes.

7 The expanded UNAMIR will be a new type of UN creature, (ie neither peace enforcement nor traditional peacekeeping). There was strong opposition to putting it under Chapter VII. However we pressed our position that the use of that language was not the issue, but that it was important to avoid the situation witnessed time and again in the Bosnia context where UNPROFOR was effectively hampered by a single Serb policeman, (or even by civilians sitting in the road in front of a convoy). In Rwanda, the UN would face a serious credibility problem if it were again to be relegated to standing by and watching atrocities while being prevented from providing effective protection to civilians at risk. There was widespread support for this position.

8 We sought reassurance from the secretariat that this time

the UN force would seriously carry out its mandate. Otherwise what the Council was doing was making a political gesture only. Op 3 now reflects an acknowledgment that UNAMIR might be required to "take action" when civilians are threatened. The US, Spain and the NAM were particularly supportive of our concerns. Only the UK and China seemed hesitant.

9 Only Rwanda opposed the application of an arms embargo. President proposed therefore that it would be open for them to make an EOJ on this issue and square brackets were removed.

10 On human rights abuses and war crimes, although it may have been alright to go along with no mention of these in the context of a slimmed down resolution dealing only with the mandate, it became apparent today that in fact this was the only issue which would be slimmed. Accordingly, although with some opposition, this issue was kept alive and included in the text.

Situation Update

11 Secretariat gave us some information about the situation on the ground (which due to lateness of hour was not conveyed to the Council). The situation in Kigali remains tense and although there was a lull in the fighting on Thursday afternoon, intensive fighting restarted today (Fri) with heavy small arms fire and occasional mortar fire. There is no major change in the dispositions of the parties.

12 UNAMIR has sent a team to investigate a report that 88 students were massacred in the southern town of Gikongoro. Another report related to 7 killed in the presence of the Red Cross in a town 2 kms south of Gitarama (where the interim government is headquartered). Dr Bernard Kouchner (close friend of President Mitterrand and Former Minister of Health and Humanitarian Action of France, also ex-President of Medicines sans Frontiers) arrived in Kigali yesterday and is meeting with the interim government with a view to seeking to arrange the evacuation of displaced persons from Kigali. He had already met with the RPF commander who agreed to cooperate with all humanitarian activities of international organisations.\

Meeting with so-called Foreign Minister

13 We met with so-called Foreign Minister of Rwanda, Bicamumpaka. He gave us a long and distorted account of events, basically stating that the problems started only after the RPF invaded and attacked from the north after the President's death. The RPF is the aggressor he claimed and the UN should provide a force to interpose itself between the parties. His most outrageous comments related however to the question of war crimes. The Rwanda government, he said, was prepared to investigate what had or had not gone on (by individual soldiers) but only after a cease-fire had been

agreed.

14 He categorically denied that the army was involved in any systematic killing proposing that it was impossible for it to be involved in the killing people at the same time as it was fighting a war with the RPF. In 8 provinces under its control, he said peace had been established and there had been no more killings. He went on to say that there were no NGO groups left in Rwanda and that therefore their information could be entirely discounted.

15 As to the question of the legitimacy of the government he said that the Arusha Accord made no provision for a successor to the President and that since the broad based transitional government (envisaged under Arusha to include the RPF and be established some months before the proposed elections) had not been set up at the time of the President's death it was necessary to establish a government which could negotiate with the RPF for the purposes of then proceeding to establish such a broad based transitional government.

14 We made it quite clear that we met with him as we met with any faction, or group of factions, in a conflict and that our meeting did not imply any sort of legitimacy in our view. To the contrary our view was that there is currently no legitimate government in Rwanda. We urged him to personally denounce war crimes by personnel supporting his factions and to exercise authority over those perpetuating them. We were very tough regarding his establishment of a precondition to exercising any control over the war criminals that a ceasefire be in place. We indicated that those who acquiesced in these activities and who had a responsibility to seek their halt could themselves be held responsible for war crimes.

Comment

15 The meeting was a sad one. Bicamumpaka probably believes that the RPF is in fact the aggressor and that this legitimised any "inter-ethnic killings" which "individuals" may be perpetrating in revenge. He just did not see that the evidence from some clearly credible sources, UNAMIR, ICRC etc pointed in the direction that there was a well organised and systematic attempt to eliminate Tutsie's which began immediately after the President's death. At that stage of course, all but one battalion of the RPF (confined to barracks in Kigali under UNAMIR control), was up in the north on the other side of the demilitarised zone patrolled by UNAMIR.

End Message