



New Zealand
Ministry of Foreign Affairs and Trade
Manatū Aorere
Official Diplomatic Reporting
Relating to
“United Nations Peacekeeping Rwanda”

Volume 5 of 5
22 July – 8 November 1994

New Zealand

Ministry of Foreign Affairs and Trade

Official Diplomatic Reporting

Relating to

“United Nations Peacekeeping Rwanda”

To mark the 25th Anniversary of the 1994 Genocide against the Tutsi in Rwanda, the New Zealand Ministry of Foreign Affairs and Trade has added a fifth volume to the earlier reporting that covered the period 31 March to 19 July 1994, and which was previously made public in 2014.

This fifth volume, released in April 2019, covers the months immediately following the end of the 1994 Genocide, and includes reporting from New Zealand’s Permanent Mission to the United Nations in New York and from other New Zealand posts. It documents the New Zealand Cabinet's decision to send support for the UN Refugee Agency's coordinated emergency response, and New Zealand's work to help establish the International Criminal Tribunal for Rwanda.

These files provide an endnote to New Zealand's work to challenge the UN Security Council to respond to the Genocide, and they demonstrate New Zealand's commitment to international justice in the aftermath.

This folder contains the
Ministry of Foreign Affairs and Trade’s
official files from 22 July to 8 November 1994

Volume 5 of 5

Your file: 115/23/37

Our file: 3/88/1

19:45 (7444)	700/NYK/00000/00000	\$444.72
FROM: NEW YORK	C04814/NYK	22-Jul-1994
TO: WELLINGTON	WGTN UNSC	Immediate
CC: BEIJING	BONN	Routine
BRUSSELS	CANBERRA	Routine
GENEVA	HARARE	Routine
LONDON	MADRID	Routine
MOSCOW	OTTAWA	Routine
PARIS	SANTIAGO	Routine
TOKYO	WASHINGTON	Routine
DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA

Summary

- attempts being made to encourage the repatriation of refugees to Rwanda
- the French prepare to leave
- the Rwandese Government tells the French it would agree to the establishment of an international criminal tribunal.

Action

For information.

Report

The Secretariat (Gharekhan) update the Council this afternoon (22 July) on the situation in Rwanda.

2 Gharekhan reported that the SRSG had just returned to Kigali from Tanzania where he had had very fruitful discussions with the President of Tanzania. The President had told Khan that Tanzania would recognise the new Rwandese Government within the next few days. The President was of the view that all efforts should be made to repatriate refugees, who were still leaving Rwanda in their thousands.

3 With respect to the deployment of UNAMIR II, Gharekhan reported that a DPKO liaison team has recently been to Ethiopia and Malawi where they received a positive response. The 800 Ethiopians are nearly ready to go and deficiencies in their equipment are being finalised. The UN will purchase 50 vehicles each from South Africa and the UK.

4 The French had decided to establish, with the agreement of the Burundi Government, a cell in Burundi to carry out humanitarian activities.

5 Gharekhan said that the CHR Special Rapporteur on Rwanda had issued a statement urging those countries which were providing asylum to those responsible for the atrocities to ensure that they would be brought to justice. He had also expressed concern that land deserted by the refugees was going to be handed over to RPF supporters. The new Prime Minister of Rwanda, Twagirimungu had also expressed concern about this latter issue. Members of the new government intended to travel to the humanitarian zone and to neighbouring countries in an effort to encourage the refugees to return to their homes. The Prime Minister was of the view that public officials should be held responsible for the massacre but that it did not make sense to accuse the entire Hutu population. The new President, Bizimungu, would go to Zaire for talks with President Mobutu.

6 The President of the Council (Marker) added that the RPF representative had called on him and urged that Radio Mille Collines should be stopped. He had also demanded that more be done to apprehend those responsible for genocide.

7 France (Ladsous) reported on the high-level mission that had just been in Kigali. The new government had agreed to respect the humanitarian zone. Within the zone, the French were disarming Rwandese and handing the weapons in to the gendarmeries. The French had informed the government of their intention to begin a three-phase withdrawal between 31 July and 21 August, in the expectation that French troops would be replaced by UNAMIR II. The French had clarified that there were no longer any objections on the part of the RPF to the Senegalese staying on as part of UNAMIR.

8 The Rwandese Government had also agreed to the setting up of an international criminal tribunal, although they had told the French that they wanted to identify the accused. The French proposed to hand over information they had collected on the atrocities to the Commission of Experts.

9 Finally, Ladsous said that the broadcasts by Radio Mille Collines appeared to have ceased (at least over the last twelve hours).

10 New Zealand, following the line in the Prime Minister's Press statement of 21 July, again spoke strongly about the need to create the necessary secure environment within Rwanda

C04814/NYK

Page 3

for the refugees to return home and the role UNAMIR must play in that. We underlined that if these resources had been applied earlier, much of the current refugee crisis might have been avoided.

=

End Message



164/1/1
23063
NEW ZEALAND
RECEIVED
22 JUL 1994

ACTION

118/125/4
DEVELOPMENT COOPERATION
DIVISION
Fax No: (64) 04 473 9311

FACSIMILE MESSAGE

TO: NEW YORK 344

PRECEDENCE: IMMEDIATE

CC: GENEVA NN
BEIJING NN
BRUSSELS NN
HARARE NN
MADRID NN
OTTAWA NN
SANTIAGO NN
WASHINGTON NN

BONN NN
CANBERRA NN
LONDON NN
MOSCOW NN
PARIS NN
TOKYO NN
WGTN UNSC NN

PRIORITY

FAX NO: Auto

FROM: Stephen Green

DATE: 22 July 1994

CHARGE CODE: DPM3

PAGE 1 OF: 2

MFAT: DP3, DEV, MEA, UNC, FIN,
DSP1, DSP3

SUBJECT: ODA: EMERGENCY RELIEF: RWANDA

For New York: Your U01030. Full details of New Zealand's recent humanitarian assistance contributions for Rwanda are as follows (All NZ\$):

3 May \$100,000 to NZ Red Cross for ICRC;
\$100,000 to UNHCR;
\$100,000 to Oxfam;

23 June \$100,000 to UNICEF;
\$100,000 to Save the Children Fund;

15 July \$250,000 to UNHCR;

21 July \$100,000 to Oxfam;
\$100,000 for Save the Children Fund;
\$100,000 for World Vision;
up to \$1 million to match, dollar for dollar, public donations
to the NZ Red Cross appeal for Rwanda.

You have the press releases announcing each package of grants to draw further background from if necessary.

For the information/action of other addressees: Attached is a press release issued last night by the Prime Minister's office announcing the latest package of humanitarian aid to Rwanda - taking our cash contributions to date to over \$1 million.

Stafford House, 40 The Terrace, Wellington. Private Bag 18 901, Wellington, New Zealand.
Phone 64-4 472 8877, Fax 64-4 472 9596



PRIME MINISTER

For Immediate Release
21 July 1994

HUMANITARIAN AID FOR RWANDA

The Prime Minister and Acting Minister of Foreign Affairs, Rt Hon Jim Bolger today announced a further package of government humanitarian aid to Rwanda.

Contributions of \$100,000 will be made to each of the fundraising campaigns now being run by the New Zealand branches of Oxfam, Save the Children Fund and World Vision. This will bring the Government's cash contribution to date to over \$1 million.

Furthermore the Government will match, on a dollar for dollar basis, up to \$1 million, public donations received by the New Zealand Red Cross Rwanda appeal over the next three months. Mr Bolger said he was confident that New Zealanders would respond generously to this appeal.

He commended the efforts by various New Zealand voluntary agencies to mobilise New Zealanders' support.

Mr Bolger said the situation in Rwanda and on its borders was a humanitarian crisis of extraordinary dimensions.

"Looking beyond the immediate relief operation it is imperative that conditions are created as soon as possible to permit the return of refugees and displaced people to their home areas so that local food production can be resumed. New Zealand is doing what it can through the Security Council to encourage the rapid deployment of the United Nations Assistance Mission in Rwanda (UNAMIR) in order to support the establishment of the necessary political and security framework."

Ends

1041111
ACTION

Your file: 115/23/37

Our file: 3/88/1

19:27 (7443)	700/NYK/00000/00000	\$495.55
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FROM: NEW YORK C04813/NYK 22-Jul-1994

TO: WELLINGTON WGTN UNSC Immediate

CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (DP3, MEA, UNC, ISAC, HRU, LGL, EUR, DSP1, EAB)

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

Subject
HUMANITARIAN EMERGENCY: RWANDA

Thanks your fax 344.

Summary

- SecGen gave an impassioned speech today (22 July) launching the UN interagency appeal in aid of persons affected by the crisis in Rwanda.
- But he strongly urged Governments not to forget UNAMIR. The crisis cannot be solved unless Governments quickly supply the logistic support necessary for UNAMIR.
- UN Head of Humanitarian Affairs, Peter Hansen, reinforced this point in a separate statement.
- Developing countries are contrasting very negatively the generosity being displayed now towards refugees with the unwillingness to spend even a small fraction of this amount on preventive measures a few weeks ago with logistic support for UNAMIR.

Report

2 Texts of SG's statement, Hansen's Statement, the Appeal details and the New Zealand statement follow by fax.

3 Boutros-Ghali stressed the enormity of the problem,

noting that almost half of the population of 7 million were displaced within Rwanda or in neighbouring countries, particularly Zaire. The initial estimate of funds needed to cope with the crisis has been revised from US\$274 million to \$434 million following the most recent mass movement of the population. The emergency relief coordinator, Peter Hansen, will go to the area immediately to review the situation and ensure that coordination arrangements are in place.

4 But the SecGen stressed equally the need to find a political solution to the Rwandese crisis and for full deployment of UNAMIR as rapidly as possible. He also referred to the Commission of Experts who would shortly begin work on the establishment of a commission or tribunal to try and punish those responsible for genocide. Hansen, Under Secretary General for Humanitarian Affairs gave first place in his statement (to the Press on 20 July) not to the refugee emergency, but rather the internal political situation and the need of stabilise it and the importance of UNAMIR.

5 A number of speakers (EU, US, Australia, Belgium, New Zealand, Austria and Sweden) outlined their contribution to UN agencies and NGOs in response to the crisis. Egypt offered moral support on behalf of the OAU. France said that it could not cope by itself with the humanitarian crisis in the Protected Zone. Senegal made an interesting statement in which it said that the international community should have taken a firmer line with the previous Rwandese government and let them know that seizing power by force and tolerating major excesses against the civilian population would not be tolerated. Zaire spoke of the reality of the tragedy in Goma and Bukavu and the need to get the refugees back to Rwanda..

6 In our intervention we gave details of our response to the crisis and supported the SGs call for the early deployment of UNAMIR as a means of encouraging the refugees to return home. We also referred to the important role the Commission of Experts would play in the process of stabilising Rwanda.

7 Following by fax to Wellington is a copy of our statement and the executive summary of the appeal (plus an emergency addendum). The appeal itself has been sent by bag to Wellington (DP3 only).

8 There will be a pledging conference in Geneva on 2 August to allow donors to respond to the appeal (invitation by fax to Wellington and Geneva).

9 There is evidence of deepseated resentment amongst the wider membership of the UN that the developed world is now rushing generously with almost half a billion dollars of relief for refugees including very expensive military logistic support when they were not willing a few weeks ago to make available even a fraction of that to UNAMIR. Had they done so the current crisis might have been avoided and

certain_y the global cost would have been very much lower.

Implications for New Zealand

10 We urge that the point in para 10 be taken into account in further decisions about New Zealand response. This is not to say that we shouldn't continue to respond generously to the humanitarian appeal but to caution that New Zealand not ignore UNAMIR.

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End Message

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ACTION

Our file: /20 3/88/1
Ministry of Foreign Affairs and Trade

Your file:

20:39 (7464)	700/NYK/00000/00000	\$508.30
FROM: NEW YORK	C04826/NYK	25-Jul-1994
TO: WELLINGTON	WGTN UNSC	Immediate
CC: BEIJING	BONN	Routine
BRUSSELS	CANBERRA	Routine
GENEVA	HARARE	Routine
LONDON	MADRID	Routine
MOSCOW	OTTAWA	Routine
PARIS	SANTIAGO	Routine
TOKYO	WASHINGTON	Routine
DEFENCE		Routine
MFAT	(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)	
P/S MFA		
DEFENCE HQNZDF	(DSIA, OPS, DDI)	
DEFENCE MOD	(GENTLES)	

IN

Subject

SECURITY COUNCIL : RWANDA

Summary

- Kigali Airport will open for humanitarian flights
- refugees are beginning to return to Rwanda
- prospects for early deployment of an expanded UNAMIR not looking good

Action

For information.

Report

Gharekhan reported some promising developments today (25 July). The SRSG had spoken to the new Rwandan President who had agreed that Kigali Airport could be opened. Sabena Airlines would work closely with UNAMIR to ensure the smooth operation of the airport. In addition, Zaire had reopened its border with Rwanda and refugees were beginning to return home. The numbers were not large but it was nevertheless regarded as a good sign. Gharekhan also reported that a meeting between the Presidents of Rwanda and Zaire would take place in Mauritius shortly. The meeting had been arranged through the good offices of the SecGen at the request of the President of Rwanda, and UNAMIR would be providing transport for him. Meanwhile, the coordination situation remained grim

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in the refugee camps. The SRSG and DHA coordinator (Hansen) had just been in Goma.

2 UNAMIR was deploying 15 military observers to Gisenyi. The APCs were on their way to Kigali from Entebbe. Some of these would be sent to the French protected zones. Gharekhan said that the UN would not have sufficient troops to take over from Operation Turquoise in the protected zones by the time of the French departure - unless there was immediate and massive assistance from contributors. The DPKO liaison team had just visited Mali and Zimbabwe and could report on the positive side, that France had offered to equip the Mali force. Zimbabwe had no equipment but DPKO was doing what it could to remedy this. In addition the US was going to provide a broader range of support than previously advised.

3 France (Ladsous) expressed his regret that UNAMIR would not be able to take over from the French in the protected zone at the time of their departure. France had made its timeframe very clear. The three phase withdrawal would begin as planned at the end of this month; first, personnel would be withdrawn from Kingoro, followed by Kibuye and finally Cyangugu. An African battalion was standing by to replace the first group who would be withdrawn from Kingoro. France had done its part and helped to create an African battalion (with troops from Niger, Guinea-Bissau, Senegal and Congo). Ladsous concluded by noting the magnitude of the humanitarian problem and emphasising that it was up to the new Government to encourage the return of the refugees.

4 Nigeria (Gambari) also stated how discouraged he was about the slow progress UNAMIR was making. He said that 21 August should be the target for full deployment. He suggested that the DPKO team should be visiting London, Washington, Paris and Moscow rather than African countries which had already agreed to volunteer troops. Nigeria had 400 troops ready to deploy. The problem was lack of equipment. That said, Gambari did acknowledge the contribution that the US, in particular, was making.

5 The United States (Inderfurth) referred to President Clinton's initiative (Washington's C03186 refers) and highlighted the areas where the UN desperately needed assistance, road servicing and security, site preparation, domestic fuel and sanitation. Governments which could offer assistance should contact UNHCR or the US which was playing a coordinating role.

6 Inderfurth stressed the vital importance of UNAMIR. He quoted USG Annan who had said that the ultimate humanitarian assistance would be assistance to UNAMIR.

7 We repeated once again the need to respond quickly to UNAMIR's needs. In this respect the consolidated list of equipment needs handed out at the meeting convened by State in Washington, was very helpful. On a more general note, we

pointed out that the Security Council lacked a mechanism for dealing with the technical aspects of situations when they arose.

8 Gharekhan concluded the discussion by informing the Council that the names of the Commission of Experts would shortly be announced. Gharekhan contradicted the French assertion that RPF no longer had any objections to the Francophone African troops - the Secretariat's information was to the contrary. Finally he strongly urged countries to come forward with the necessary equipment. The 500 UNAMIR troops already in the field were exhausted and living under very difficult conditions. They needed relief.

End Message

UNCLASSIFIED
UNCLASSIFIED SECURE

ACTION
Our file:

Your f : 3/88/1

18:42 (7452)

700/MEA/00000/00000

\$250.52

FROM: WELLINGTON

C26133/WN1

25-Jul-1994

TO: NEW YORK

Priority

CC: WASHINGTON

GENEVA

Priority

BEIJING

BONN

Routine

BRUSSELS

CANBERRA

Routine

HARARE

MADRID

Routine

MOSCOW

OTTAWA

Routine

PARIS

SANTIAGO

Routine

TOKYO

WGTN UNSC

Routine

DEFENCE

Routine

MFAT

(MEA, UNC, DP3, ISAC, HRU, LGL, EUR, DSP1)
(DSP3, EAB)

P/S MFA

PMC

(HILL)

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

U54629: RWANDA : NEW ZEALAND ASSISTANCE

Thanks your C04813 and C04814, and Washington's C03186.

2 The Prime Minister announced this morning Cabinet's decision to send a RNZAF Hercules to take part in the UNHCR-coordinated emergency airlift operation for Rwandan refugees in eastern Zaire (see accompanying fax).

3 Cabinet also agreed that officials should explore further with the UN Secretariat in New York provision of up to 100 UNIMOG 1300 trucks, including their sale to the UN for use with UNAMIR II. Grateful if you could follow up your initial approaches as appropriate and report.

4 The points in your C04813 and other messages in favour of a contribution to UNAMIR II were taken fully into account, both in the Cabinet paper and in oral advice to Ministers. As indicated in the press statement, Cabinet decided that the immediate priority must be the refugee crisis. A further factor is that the C130 is available for deployment for a period of up to one month.

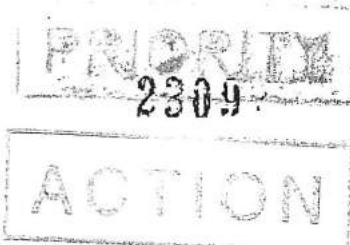
5 The contribution of the aircraft, taken together with the amounts pledged for humanitarian aid (NZ\$2,050,000 in total), represents a significant NZ contribution to Rwanda.

UNCLASSIFIED

6 Or Washington: We received today the text of President Clinton's letter and a supporting demarche from the US Embassy. PM's reply will be prepared and copied to you asap.

7 For Geneva: Defence advise that they have already established direct contact with the UNHCR Flight Control Operations Room in Geneva. Grateful you confirm the contribution of the aircraft formally with UNHCR. Grateful you also check what status (eg privileges and immunities) will be available to RNZAF aircraft and crew during their deployment with the UNHCR operation.
=

End Message



MIDDLE EAST AND AFRICA DIVISION
Fax No: (64) 04 499 2994

F A C S I M I L E M E S S A G E

TO:	BEIJING BRUSSELS GENEVA MADRID NEW YORK PARIS TOKYO	BONN CANBERRA HARARE MOSCOW OTTAWA SANTIAGO WGTN UNSC	PRECEDENCE:	PRIORITY
	MEA, DP3, UNC, DEV, ISAC, HRU, LGL, DSP1, DSP3			
FAX NO:		CHARGE CODE:	MEA	
FROM:		PAGE 1 OF:	3	
DATE:	25 July 1994	MFAT:	MEAT	
SUBJECT:	RWANDA : NEW ZEALAND ASSISTANCE : RNZAF HERCULES			

Following is the text of a media release issued by the Prime Minister this morning announcing Cabinet's decision to send a RNZAF Hercules to assist with the airlift operation being coordinated by the United Nations High Commissioner for Refugees (UNHCR) to deliver emergency relief supplies to Rwandan refugees in eastern Zaire.

2 Posts may wish to draw on this in their contacts as appropriate.



OFFICE OF THE PRIME MINISTER
Parliament Buildings, Wellington, New Zealand

FOR IMMEDIATE RELEASE

25 July 1994

Rt Hon J B Bolger

RNZAF HERCULES FOR RWANDA

The Prime Minister and Acting Minister of Foreign Affairs, Rt Hon Jim Bolger, confirmed this morning that Cabinet had decided to send a RNZAF Hercules to help bring emergency relief supplies to Rwandan refugees.

The Hercules left this morning fully laden with crew and equipment. The Prime Minister said that after a brief stop-over in Australia for further protective outfitting it would proceed on to Nairobi. He expected it to be based initially at Entebbe in Uganda where it would arrive by Thursday.

"The Hercules will deliver emergency relief supplies to Rwandan refugees in the worst affected areas at Goma and Bukavu in eastern Zaire. They will be part of the urgent international operation being coordinated by the United Nations High Commissioner for Refugees (UNHCR), and will work alongside airlift being contributed by the United States, Britain, Canada and other countries.

"We are all deeply shocked by the desperate suffering of the Rwandan people. New Zealanders are responding generously to this human disaster and I hope the Government's pledge to match every dollar received by the New Zealand Red Cross Rwanda Appeal up to \$1 million will encourage further donations.

"A major constraint in reaching the refugees has been the shortage of transportation and logistics support", the Prime Minister said. "By taking part in the vital airlift operation, the RNZAF Hercules and crew will be assisting international efforts to get food and medical supplies urgently into refugee areas where people are dying".

Mr Bolger stressed that the current humanitarian crisis was clearly the immediate priority. But it was important not to lose sight of the need to stabilise conditions within Rwanda itself so the refugees would return home quickly. There were signs that some of them were starting to do so. New

3/3

2

Zealand continued to encourage early deployment of the expanded United Nations Assistance Mission in Rwanda (UNAMIR) in order to support the process of political reconciliation in Rwanda and relieve the pressure on neighbouring countries.

ENDS

UNCLASSIFIED

164111

PRIORITY

Your file:

ACT Our file:

18:41 700/MEA/00000/00000 \$687.72

FROM: WELLINGTON U54628 25 Jul 1994

TO: ALL POSTS PRIORITY

MFAT (MEA, DP3, UNC, ISAC, HRU, LGL, EUR, DSP1, DSP3)
P/S MFA

IN

RWANDA : NEW ZEALAND ASSISTANCE

Summary

Further Government assistance announced for Rwanda, including despatch 25 July of a RNZAF Hercules to take part in the UNHCR-coordinated airlift to Rwandan refugees in eastern Zaire.

Action Required

2 For information and to draw on in your contacts as appropriate.

Report

3 The Prime Minister announced this morning that Cabinet had decided to send a RNZAF Hercules to help with the emergency airlift operation being coordinated by the UNHCR for Rwandan refugees at eg Goma and Bukavu in eastern Zaire. The Hercules, which left NZ this morning, is expected to be based initially at Entebbe. The Prime Minister said provision of the Hercules would contribute to relieving the shortage of transportation and logistics support urgently needed to get food and medical supplies into the refugee areas. He stressed that the humanitarian crisis was the immediate priority but it was important not to lose sight of the need to stabilise conditions within Rwanda itself so the refugees would return home quickly. For that reason NZ continued to encourage early deployment of the expanded UNAMIR II to support the process of political reconciliation in Rwanda and relieve the pressure on neighbouring countries.

4 The contribution of the RNZAF Hercules is in addition to the package of humanitarian assistance already announced. This includes further contributions of \$100,000 each to Oxfam (NZ), Save the Children Fund and World Vision, announced on 21 July, and the Government's pledge to match

UNCLASSIFIED

U54628

dollar for dollar, up to \$1 million, public donations received by the NZ Red Cross for Rwanda appeal over the next three months. Together with earlier contributions of \$100,000 each to the NZ Red Cross, Oxfam, UNICEF and Save the Children Fund, and \$350,000 to UNHCR, this brings the total amount allocated by the Government so far to Rwanda to NZ\$2,050,000 (excluding the Hercules).

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CONFIDENTIAL

DECLASSIFIED

164/11

Ministry of Foreign Affairs and Trade

Your le:

Our file: 3/881

20:37 (7476) 700/NYK/00000/00000 \$317.56

FROM:	NEW YORK	C04835/NYK	26-Jul-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

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

IN

Subject

SECURITY COUNCIL : RWANDA

Secretariat (Gharekhan) provided Council with a brief update on Rwanda today (26 July). SRSG Khan and DHA Coordinator Hansen had had a useful meeting today with General Kagame. Kagame reiterated that all Rwandese were most welcome to return to their properties- they would not be subject to "screening"- he would welcome UN assistance in spreading this message. Kagame looked forward to the establishment of a the Commission of Experts and said that he would also welcome the stationing of human rights monitors in Rwanda.

2 Approx. 50,000 Rwandese have returned, mainly through unorthodox routes. To inspire confidence in the returnees, UNAMIR has sent a platoon of troops to Ruhengeri (near Goma). 50 military observers were being sent to the humanitarian protected zone. The SRSG told Gharekhan that the new government continued to object to the transfer of the four Francophone African countries to UNAMIR (the RPF representative told us that they might accept the Senegalese eventually).

3 In terms of equipping UNAMIR some progress was being made, with Belgium offering to equip the Malawi troops.

Comment

4 We note from the consolidated list of required equipment that trucks of the sort we have are no longer mentioned. Are there any other prospects for a New Zealand contribution.

CONFIDENTIAL

Your file: 115/23/37

21:21 (7508)	700/NYK/00000/00000	\$304.98
FROM: NEW YORK	C04848/NYK	28-Jul-1994
TO: WELLINGTON	WGTV UNSC	Immediate
CC: BEIJING	BONN	Routine
BRUSSELS	CANBERRA	Routine
GENEVA	HARARE	Routine
LONDON	MADRID	Routine
MOSCOW	OTTAWA	Routine
PARIS	SANTIAGO	Routine
TOKYO	WASHINGTON	Routine
DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

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

IN

Subject

SECURITY COUNCIL : RWANDA

The Secretariat's (Gharekhan) report on the situation in Rwanda was more upbeat than usual.

2 Gharekhan said that he was pleased to report that thousands of refugees were returning to Rwanda. Another piece of good news was that a French group of journalists "Rapporteurs sans Frontieres" were setting up a radio station "The swallow which brings good news" at Lake Kivu which would broadcast on shortwave and FM and act as a counter to the propaganda of Radio Mille Collines.

3 On UNAMIR, further good news was that the UK had agreed to make a 500 person team of logistics experts available to UNAMIR until it reached full strength. The UK (Gomersall) noted that the numbers were still subject to confirmation.

End Message

AMEMBADOR	
CANZLER	
CHANCELLOR	
DEPUTY CHANCELLOR	
SECRETARY	
DEPUTY SECRETARY	
CHIEF OF STAFF	
CHIEF OF DEFENCE	
CHIEF OF POLICE	
CHIEF OF FIRE	
CHIEF OF WATER	
CHIEF OF AIR	
CHIEF OF LAND	
CHIEF OF SEA	
CHIEF OF SPACE	
CHIEF OF CYBER	
CHIEF OF INTELLIGENCE	
CHIEF OF SECURITY	
CHIEF OF LOGISTICS	
CHIEF OF FINANCE	
CHIEF OF PERSONNEL	
CHIEF OF INFORMATION	
CHIEF OF COMMUNICATIONS	
CHIEF OF TRANSPORT	
CHIEF OF INFRASTRUCTURE	
CHIEF OF ENVIRONMENT	
CHIEF OF CLIMATE	
CHIEF OF OCEANS	
CHIEF OF COASTAL	
CHIEF OF FISHERIES	
CHIEF OF FORESTRY	
CHIEF OF AGRICULTURE	
CHIEF OF MINING	
CHIEF OF ENERGY	
CHIEF OF POWER	
CHIEF OF WATER	
CHIEF OF WASTE	
CHIEF OF RECYCLING	
CHIEF OF CONSERVATION	
CHIEF OF NATURAL	
CHIEF OF CULTURAL	
CHIEF OF HERITAGE	
CHIEF OF SPORTS	
CHIEF OF RECREATION	
CHIEF OF TOURISM	
CHIEF OF EDUCATION	
CHIEF OF HEALTH	
CHIEF OF SOCIAL	
CHIEF OF WELFARE	
CHIEF OF HOUSING	
CHIEF OF URBAN	
CHIEF OF RURAL	
CHIEF OF DEVELOPMENT	
CHIEF OF INFRASTRUCTURE	
CHIEF OF TRANSPORT	
CHIEF OF COMMUNICATIONS	
CHIEF OF INFORMATION	
CHIEF OF SECURITY	
CHIEF OF LOGISTICS	
CHIEF OF FINANCE	
CHIEF OF PERSONNEL	
CHIEF OF INTELLIGENCE	
CHIEF OF DEFENCE	
CHIEF OF POLICE	
CHIEF OF FIRE	
CHIEF OF WATER	
CHIEF OF AIR	
CHIEF OF LAND	
CHIEF OF SEA	
CHIEF OF SPACE	
CHIEF OF CYBER	
CHIEF OF INTELLIGENCE	
CHIEF OF SECURITY	
CHIEF OF LOGISTICS	
CHIEF OF FINANCE	
CHIEF OF PERSONNEL	
CHIEF OF INFORMATION	
CHIEF OF COMMUNICATIONS	
CHIEF OF TRANSPORT	
CHIEF OF INFRASTRUCTURE	
CHIEF OF ENVIRONMENT	
CHIEF OF CLIMATE	
CHIEF OF OCEANS	
CHIEF OF COASTAL	
CHIEF OF FISHERIES	
CHIEF OF FORESTRY	
CHIEF OF AGRICULTURE	
CHIEF OF MINING	
CHIEF OF ENERGY	
CHIEF OF POWER	
CHIEF OF WATER	
CHIEF OF WASTE	
CHIEF OF RECYCLING	
CHIEF OF CONSERVATION	
CHIEF OF NATURAL	
CHIEF OF CULTURAL	
CHIEF OF HERITAGE	
CHIEF OF SPORTS	
CHIEF OF RECREATION	
CHIEF OF TOURISM	
CHIEF OF EDUCATION	
CHIEF OF HEALTH	
CHIEF OF SOCIAL	
CHIEF OF WELFARE	
CHIEF OF HOUSING	
CHIEF OF URBAN	
CHIEF OF RURAL	
CHIEF OF DEVELOPMENT	

CONFIDENTIAL

DECLASSIFIED

Ministry of Foreign Affairs and Trade
Our file: 3/88/1

Your file:

20:18 (7494)

700/NYK/00000/00000

\$406.64

FROM:	NEW YORK	C04842/NYK	27-Jul-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

P/S MFA

DEFENCE HQNZDF (DSIA, OPS, DDI)

DEFENCE MOD (GENTLES)

IN

Subject

SECURITY COUNCIL : RWANDA

Summary

- major UN priority is return of refugees to Rwanda
- there is a real concern that the French departure will unleash another mass exodus into the Bukavu area of Zaire.

Action

For information

Report

The Secretariat (Gharekhan) reported at today's informals that the situation in Goma remains desperate and that there is potential for a catastrophe of even greater dimension to occur in the southwest of Rwanda.

2 Consultations among agencies during USG Hansen's visit to the region had led to the conclusion that while assistance should continue to be provided to refugees, the major international effort should be directed at getting the refugees to return to Rwanda. To this end, Kigali airport was going to be used as much as possible for relief delivery. Depots dispensing food and medical assistance would be set up on the routes home. Transport would be provided where possible. UNAMIR military observers would be

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deploy to key points to create an atmosphere of security.

3 Unfortunately, it seemed that the refugees were still very much under the influence of the militia and RGF elements who continued to instil fears of reprisals and massacres if the refugees were to return. Furthermore, the new government's reassurances had not reached the refugees because Radio Rwanda did not have a strong enough signal to reach Goma.

4 At the moment the situation in Bukavu was "manageable" with 350,000 refugees currently there. However, there was considerable concern that the French withdrawal from the humanitarian zone could precipitate another mass exodus. At the moment there are about two million displaced persons in the French humanitarian zone. Hansen was strongly of the view that the UN needed to be prepared for further disaster.

5 France (Ladsous) urged the new government, with UNAMIR's assistance, to get its message across more forcefully to the refugees that it was safe to return. He said that the situation was not helped by incidents (albeit isolated) where returning refugees had been searched and sometimes robbed. Likewise, reports of RPF soldiers looting in the French humanitarian zone, did not encourage a sense of security among the Hutu.

6 The US (Albright) reported that her government was seeking to expand its relief effort. They were examining the feasibility of an expanded operation out of Kigali, recognising that this would have a "magnet effect". A reconnaissance team had been sent to Kigali to assess needs and capacities. Albright stressed that the US would expect to coordinate fully with the UN and UNAMIR in this operation.

End Message

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/20

Ministry of Foreign Affairs and Trade

Your file: 197/1/1

Our file: 115/23/37

164/1/1

13:39 (7540)

700/UNC/00000/00000

\$175.86

FROM: WELLINGTON

C26474/WN1

02-Aug-1994

TO: PARIS

Priority

CC: NEW YORK
BEIJING
GENEVA
MOSCOW
WASHINGTON
CANBERRA
MADRID
TOKYODEFENCE
BRUSSELS
LONDON
SANTIAGO
BONN
HARARE
OTTAWA
WGTT UNSCPriority
Routine
Routine
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Routine
Routine
Routine
Routine

MFAT

(UNC, MEA, ISAC, HRU, EUR, DP3, DSP1, EAB)

A <

P/S MFA

PMC

(HILL)

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

U55125: SECURITY COUNCIL : RWANDA

Your C01999, para 4.

2. The Military Adviser in New York reported to Defence at the end of last week that our offer to sell up to 100 UNIMOG 1300 trucks to the United Nations for use with UNAMIR II had been unsuccessful. He indicated the reasons given were:

i) Fifty four ton vehicles had been purchased from the United Kingdom and flown to Mombassa; and

ii) Fifty vehicles were provided from the Netherlands at minimal rates and were expected to arrive in theatre shortly.

3. Grateful you reconfirm to Ligniere that it is our understanding the UN no longer has a need for the sort of trucks we had available.

4. For New York: (your C04835). There are no further prospects for a contribution of equipment. Defence note that they do not routinely maintain large stocks.

End Message

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Ministry of Foreign Affairs and Trade / 20

C04835 NYK

Page 2

End Message

~~CONFIDENTIAL~~

CONFIDENTIAL

DECLASSIFIED

Your file: 115/23/37

Our file: 3/88/1/20

Ministry of Foreign Affairs and Trade

19:51 (7631)

700/NYK/00000/00000

\$419.22

FROM: NEW YORK

C04901/NYK

09-Aug-1994

TO: WELLINGTON

WGTN UNSC

Priority

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCEBONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTONRoutine
Routine
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Routine
Routine
Routine

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

Summary

Discussion in the Council on a Presidential Statement on Rwanda leads to an exchange of views on how those accused of genocide should be dealt with. SG has received a letter from the Rwandan Minister of Justice expressing support for an international tribunal. Most members are also coming around to this position - but there was broad agreement that the Statement was not the place to settle the complex questions entailed by the creation of such a tribunal.

Action

For information.

Report

3 Rwanda was the main item at this morning's informals. President circulated the text of last week's OAU resolution on UNAMIR (para 9, our C04894 refers - text by fax to Wgtn). Secretariat (Gharekhan) noted that the Rwandan Government has now formally agreed to the incorporation of the African Operation Turquoise contingents into UNAMIR. He provided delegations with the text of a letter from the Rwandan Minister of Justice to the SG supporting the expeditious establishment of an international tribunal to try those accused of genocide (see also our separate fax to Wgtn).

4 The Council then discussed the draft Presidential Statement. Two texts were circulated, a French text and an altogether more wordy Secretariat version. The US reacted

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first expressing support for strong language on human rights monitors and noting its preference for a larger deployment than the 20 proposed by the HCHR. It proposed that detailed consideration of the Statement take place in a WG.

5 Other delegations supported the formation of a WG. Substantive discussion then focussed on how the Statement would reflect the Council's views on the setting up of an international tribunal. Argentina agreed "for practical reasons" with the idea of an international tribunal given that the Rwandan justice system could not cope. But he questioned whether the Council was yet in a position to take such a decision. UK agreed noting that it was increasingly persuaded of the value of a tribunal: the arguments in favour outweigh those against. However Hannay noted that there are thorny questions to be addressed (such as who has the right of detention) which the Council should not "stumble" into. Clearly, he said, the Council cannot establish a tribunal by Presidential statement. But neither could it be silent on the issue - and some careful drafting was therefore called for.

6 New Zealand spoke next. We said that we believed a tribunal would be essential as part of the process. It might be an appellate role. The number of individual cases would be enormous. A tribunal like that for FRY could not cope. In the short term a key set of decisions on which international judicial assistance would be essential were prosecutorial decisions. We needed to flag a role for the application of international standards and external assistance in all of this. It was best not to try to be too prescriptive about what decisions the Council might take or role a tribunal might play. The main thing was to give political support to a mechanism along these lines and a clear steer to the refugees that the international community would play a role in ensuring fair and impartial trials.

7 France stressed it would be important for the Rwandan authorities to accept the "competence if not primacy" of an international tribunal but agreed it was important not to prejudge the situation in the text before the Council. Russia urged that the Council make an early declaration "that there should be a tribunal" in order to ensure that kangaroo courts not get underway in the meantime. Nigeria agreed that the establishment of such a body would be most desirable but should not be done in advance of some indication of what the Commission of Experts would recommend in their report. China, recalling the delays in getting the ex-Yugoslav tribunal up and running, cryptically called for a "practical attitude" toward a tribunal for Rwanda.

8 After agreement that the text would be reworked in a WG meeting later today, we reverted to the OAU resolution (referred to above) which notes the need for logistical equipment to facilitate the early deployment of UNAMIR. We requested a statement from the Secretariat of what equipment

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C04901/NYK

Page 3

Ministry of Foreign Affairs and Trade / 720

was y t required. If, as we supposed, very little of this was strictly military and was therefore available "off the shelf" - we urged the UN to get off its chair and go and buy it.

9 The French text was used as the basis for drafting work in the WG meeting this afternoon. It was considerably reworked however. Clean copy is in our separate fax to Wgtn.

End Message

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~~CONFIDENTIAL~~

DECLASSIFIED

120
Ministry of Foreign Affairs and Trade

You file: 3/88/1

Our file: 522/1/1

18:38 (7641)	700/MEA/00000/00000	\$231.39
FROM: WELLINGTON	C26812/WN1	10-Aug-1994
TO: NEW YORK		Immediate
CC: BEIJING	BONN	Routine
BRUSSELS	CANBERRA	Routine
GENEVA	HARARE	Routine
LONDON	MADRID	Routine
MOSCOW	OTTAWA	Routine
PARIS	SANTIAGO	Routine
TOKYO	WASHINGTON	Routine
DEFENCE	WGTN UNSC	Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

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

IN

Subject

U55716: SECURITY COUNCIL : RWANDA

Your C04901 and fax 2414.

2 We agree that a presidential statement along the lines that have been worked out (your fax 2414) would be useful at this point. If there is an opportunity to offer further amendments, we would note that the statement might also (picking up from the Sec-Gen's report):

- welcome the cooperation between UNAMIR and the French forces and encourage its continuation;
- encourage the coordination with UNAMIR of all foreign forces supporting the humanitarian effort in Rwanda;
- encourage the Sec-Gen to continue using his good offices through his Special Representative to promote national reconciliation;
- reaffirm that the Council will continue to follow developments closely.

3 We are a little surprised at the speed with which opinion appears to be coalescing around an international tribunal, particularly on the part of the UK. (We note that US Assistant Secretary of State Shattuck, currently in Kenya after visiting Rwanda, is today reported in the media as calling for the urgent creation of a tribunal and saying that the US will actively ask other Security Council members to

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DECLASSIFIED

Ministry of Foreign Affairs and Trade

C26812/WN1

Page 2

help. He is also reported as having said that the number of people to be investigated by the tribunal need not be many since the focus would be on high ranking officials.) We can see that a tribunal along Yugoslav lines may cause less alarm among refugees than trials within the Rwandan justice system, but it is not the only option. Moreover, if the primary aim at this point is to secure the return of refugees, the paragraph in the draft statement that mentions the tribunal could require a slightly more focussed approach as to who may be the primary targets of trial. The reference to fair and impartial trials in accordance with international standards of justice provides useful reassurance however.

End Message

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DECLASSIFIED

You file: 115/23/37

Our file: 3/88/1

16:58 (7643)

700/NYK/00000/00000

\$266.73

FROM: NEW YORK

C04905/NYK

10-Aug-1994

TO: WELLINGTON
GENEVA

WGTN UNSC

Priority
Priority

CC: BEIJING
BRUSSELS
WASHINGTON
LONDON
MOSCOW
PARIS
TOKYO

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
DEFENCE

Routine
Routine
Routine
Routine
Routine
Routine
Routine

MFAT

(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

SECURITY COUNCIL: RWANDA

Summary

Council adopts Presidential Statement on Rwanda (S/PRST/1994/42) which supports human rights monitors and begins a process towards a further international tribunal and other legal international mechanisms to prosecute genocide suspects.

Action

For information.

Report

3 Council completed discussion of the draft Statement on Rwanda today (10 August) having made a few minor drafting changes to the text as faxed to you yesterday. We made one proposal for an amendment of a substantive nature in order to help carry forward the process of bringing to justice those guilty of genocide. We suggested the inclusion in para 5 of an instruction to the Secretariat to provide the Council with a report setting out options for the prosecutorial process. Unfortunately our suggestion was misunderstood by the Argentinians who believed it might somehow cut across the work of the Commission of Experts. They therefore proposed instead a reference to the Commission's report. This in turn alarmed the UK. Far from accelerating consideration of the trial process (as had been our intention) the Argentinians (supported by the Czechs) were about to delay it by tying any future work by the Council to submission of the Commission's report. The UK questioned the wisdom of this noting that the

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DECLASSIFIED

/ /20
Ministry of Foreign Affairs and Trade

C04905/NYK

Page 2

Commission's report could be delayed. The best course would be to leave aside for now questions of future process. Argentina did not insist on their amendment - and we followed suit. (Nonetheless we continue to consider it important that the Council not allow this important issue - tied as it is to the question of refugee return, as well as important principles of international law and justice - to drift and we will be coming back to you next week with ideas to carry forward the issues canvassed in our C04883 and your C26688 - U55463.)

4 Text as adopted is in our separate fax (Wgtn and Geneva).

End Message

~~CONFIDENTIAL~~



ACTION

23216

HUMAN RIGHTS UNIT
Fax No: (64) 04 473 9522

FACSIMILE MESSAGE

TO:	NEW YORK WGTN UNSC	PRECEDENCE:	Priority
CC:	BEIJING BRUSSELS GENEVA LONDON MOSCOW PARIS WASHINGTON	BONN CANBERRA HARARE MADRID OTTAWA TOKYO	Routine Routine Routine Routine Routine Routine
FROM:	WELLINGTON	CHARGE CODE:	HRU
DATE:	August 11, 1994	PAGE 1 OF:	2
MFAT:	(HRU, UNC, MEA, DEV, DSP3, DSP1)		

SUBJECT: RWANDA: HUMAN RIGHTS: NEW ZEALAND CONTRIBUTION TO APPEAL BY
HIGH COMMISSIONER FOR HUMAN RIGHTS

Refer your C04887 of 5 August, C04894 of 8 August, and our U55598 of 9 August.

Please find attached a copy of a press release announcing New Zealand's contribution of NZ\$50,000 to the Special Appeal of the United Nations High Commissioner for Human Rights for additional funding to expand the number of human rights monitors on the ground in Rwanda.

For Geneva: Please advise relevant authorities of New Zealand's intended contribution. We will be in touch separately concerning arrangement for payment.



2/2

MINISTER OF FOREIGN AFFAIRS AND TRADE

August 11, 1994

Contribution to human rights monitoring: Rwanda

Foreign Minister Don McKinnon today announced a \$50,000 contribution to the United Nations for human rights monitoring in Rwanda.

"We believe the presence of monitors will help to build the confidence needed to encourage Rwandan refugees to return home. This is the real priority," Mr McKinnon said.

"The monitors will also play a crucial role in restoring respect for human rights in Rwanda. Given the atrocities that have been committed over recent months in Rwanda, restoration of this respect is essential to the successful rehabilitation of the country."

The contribution is a response to a special appeal by the UN High Commissioner for Human Rights for additional funding to support an increase in the number of human rights field officers on the ground in Rwanda.

"New Zealanders have dug deep into their pockets to help Rwanda's refugees. This new contribution by the Government, on top of the substantial humanitarian aid we have provided, including the RNZAF Hercules, is intended as a further practical step to ease the suffering of the Rwandan people.

"We will continue to monitor the situation," Mr McKinnon said.

Inquiries: Claire Ramsay Press secretary 04 471 9848 (W)

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164/111

ACTION

Ministry of Foreign Affairs and Trade

120	AMASSADOR
	MINISTER (DMM)
	COUNSELLOR (VED)
	FIRST \$457,47
	SECOND SEC (I)
	SECOND SEC (II)
	OFFICE MANAGER
	ATTACHE Priority
	ATTACHE (ADMIN)
	PA Routine
	COMMS / OFFICERS Routine
	FINANCE Routine
	PA (CUS) Routine
	RECEPTION Routine
	DRIVER Routine
	Routine

Your file:

Our file: 3/88/1

18:10 (7680)

700/NYK/00000/00000

FROM: NEW YORK

C04931/NYK

TO: WELLINGTON

WGTN UNSC

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON

MFAT

(MEA, LGL, UNC, ISAC, HRU, EUR, DSP3, DSP1)
(EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)
(GENTLES)

DEFENCE MOD

IN

Subject

SECURITY COUNCIL: RWANDA

Summary

- worrying reports over the weekend that RGF leadership is using news of possible international tribunal as grounds for remaining in Zaire

- we suggest a draft Presidential Statement to make it clear that the Genocide Convention reaches beyond national borders and that there can be no asylum offered to those suspected of such crimes.

Action

For information - and for any comment you may have on the need to address this specific disincentive on refugees in Zaire from returning home.

Report

3 Our separate fax contains an article from the 13 August edition of the NYT which reports concern on the part of a UNHCR spokesman in Goma that many of the Rwandan refugees in Zaire have determined never to return home in order to avoid prosecution for genocide. Their determination has been reinforced, according to the spokesman, by reports that the Security Council has decided to set up an international tribunal to try the accused. The Times conveys the agency's concern that the refugee camps will become a permanent feature - with Goma turning into a "new Gaza strip".

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1 / 20
Ministry of Foreign Affairs and Trade

C04931/NYK

Page 2

4 Some of the concern on the part of the Rwandan refugees reflects misinformation (no doubt deliberately circulated by members of the former government). The Council has not of course yet decided to establish a tribunal - although last week's Presidential Statement clearly looks to this eventuality. It seemed to us it would be rather legalistic to attempt simply to correct this point (and ultimately self-defeating if the Council goes ahead, as is likely, and sets up a tribunal). The real point which needs to be conveyed in the camps if momentum for refugee return is to be re-established is the fact that prosecution cannot be avoided just by staying out of the country.

5 In these circumstances we thought we should sound out Council members' willingness to take action to address this situation. As the NYT report rightly notes it is not only a case of the international community's inability to fund the refugee camps long-term. It is also a fact that these camps represent a threat to the stability of Rwanda and to efforts to re-establish a viable political process there. We therefore informally circulated today a draft of a Presidential Statement which sets out the extraterritorial obligations of the Genocide Convention and recalls the requirement not to grant asylum to persons suspected of war crimes (GA resolution 3074 of 3 December 1973) - copy also by fax. The draft requires the SG to ensure that very wide distribution is given to the statement within the Rwandan refugee community.

6 We raised the issue in this morning's informals indicating we believed there was merit in the Council speaking out and giving publicity in the camps to the fact that the innocent can return home safely and that the guilty are no safer in Zaire than in Rwanda. The Council also needed, we suggested, to explore the legal issues that would arise if those guilty of genocide did choose to stay on in Zaire. We noted the greater urgency surrounding these issues as a result of the situation reported in the weekend's NYT. We suggested that the Council take up the matter later this week and indicated a willingness to explore other possibilities for handling the troubling situation in the Zaire camps.

7 The UK (Hannay), nettled as usual with any initiative originating outside the P3, responded by calling for a Secretariat report. The situation in Rwanda was very delicate. It was important to encourage refugee return - and important therefore to assess the impact of any Council statement before "bursting into print". He conceded that our text contained an accurate statement of the law - but he wondered whether it might not be preferable to convey this through local radio stations rather than "as a thunderbolt from the Council". The only other speaker was Oman who seemed to have got the wrong end of the stick. He briefly indicated support for the UK position on the basis that it

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~~CONFIDENTIAL~~

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Ministry of Foreign Affairs and Trade

Page 3

was not fair to suspect everyone running to Zaire of having carried out war crimes (!). After all many of them had families. And he added that it would be too difficult in any event to institute proper investigations in Zaire.

8 President (Vorontsov) has included our draft text in the agenda for Wednesday's meeting.

9 Initial private reactions were as follows. The US agreed it was an important issue and welcomed our having raised it. They had been similarly thinking that this aspect had to be addressed but had not yet reached conclusions on how or when. France (driven by their operational needs vis a vis Zaire with regard to withdrawal of "Operation Turquoise") was very hesitant. Merimee seemed desperate to avoid offending them in any way. He wondered whether a Presidential statement to the media might be better at this stage.

10 Comment. No doubt Merrimee's option will be explored by the Council. It could certainly also serve the purpose - although we continue to believe that it would not send as pronounced a message as would a Council Statement. The NYT report (see the importance ascribed to last week's Statement by those in the camps) is itself evidence of this fact. Our inclination would be to push fairly strongly for a Presidential Statement and perhaps fall back on an agreed press statement if others insist later in the week. Grateful for any views which you would like reflected.

End Message

~~CONFIDENTIAL~~

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DECLASSIFIED

164191

Your file:

ACTION

Our file:

3/88/1

18:10 (7681)

700/NYK/00000/00000

FROM: NEW YORK

C04932/NYK

TO: WELLINGTON

WGTN UNSC

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON

AMBASSADOR	
COUSILLOR (GEM)	
COUSILLOR (VET)	
FIRST SEC (CUS)	
SECOND SEC (CUS)	\$241,40
SECOND SEC (2)	
OFFICE MANAGER	15-Aug-1994
ATTACHE (PA)	
ATTACHE	Immediate
PA	
ROUTINE	Routine
ROUTINE	Routine
ROUTINE	Routine
ROUTINE	Routine
ROUTINE	Routine
ROUTINE	Routine
ROUTINE	Routine
ROUTINE	Routine

MFAT

(MEA, LGL, UNC, ISAC, HRU, EUR, DSP3, DSP1)
(EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

SECURITY COUNCIL: RWANDA

Action

Grateful confirmation that you would not have difficulty with a Secretariat request for a short (approx one-week) extension to the authorisation for "Operation Turquoise". This will require a technical resolution.

Report

2 Ambassador received a phone call today from the Secretariat (Riza, ASG in the DPKO) alerting us to the fact that the Secretariat would like to request the French to stay on a further week in order to allow time for the Ethiopian contingent to be ready to take over. The Secretariat had it in mind to initiate this by writing to Juppe requesting a short extension of "Operation Turquoise". Riza said that when he sounded out the French about this possibility, Merrimee had responded that he thought it would have to be done in a resolution, given that the original time period had been set by the Council in a resolution. Accordingly the Secretariat wanted to sound us out as to New Zealand's likely position if a resolution were to be put before the Council extending the Operation's mandate for this limited period.

3 We said that we agreed that the circumstances would seem to require a resolution. We indicated that we thought New Zealand would be most unlikely to stand in the way of a resolution which was entirely of a technical and such short-term nature notwithstanding our earlier reservations on

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~~CONFIDENTIAL~~

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Ministry of Foreign Affairs and Trade / 120

C04932/NYK

Page 2

the principle.

4 The Secretariat made it clear they saw no point in proceeding to seek this extension if we were not on side. Grateful your urgent confirmation that NZ can support a one-week extension to the French deployment in the humanitarian zone for the purpose described above.

End Message

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED
Ministry of Foreign Affairs and Trade /20
164/1/1

Your file: 3/88/1

Our file: 522/1/1

16:55 (7688)	700/MEA/00000/00000	\$157.35
FROM: WELLINGTON	C26968/WN1	16-Aug-1994
TO: NEW YORK		Immediate
CC: BEIJING	BONN	Routine
BRUSSELS	CANBERRA	Routine
GENEVA	HARARE	Routine
LONDON	MADRID	Routine
MOSCOW	OTTAWA	Routine
PARIS	SANTIAGO	Routine
TOKYO	WASHINGTON	Routine
DEFENCE	WGTN UNSC	Routine
MFAT	(MEA, LGL, UNC, ISAC, HRU, EUR, DSP3, DSP1) (EAB)	
P/S MFA		
DEFENCE HQNZDF	(DSIA, OPS, DDI)	
DEFENCE MOD	(GENTLES)	

IN

Subject

U56028: SECURITY COUNCIL : RWANDA

Your C04932.

2 The Minister has agreed you should support a technical resolution to extend for a short period the authorisation for "Operation Turquoise".

3 Given the technical nature of the resolution, we see no need for an EOv.

End Message

AMEMBASSADOR	
CHIEF OF MISSION	
DEPUTY CHIEF OF MISSION	
ATTACHE (PA)	
ATTACHE (ADMIN)	
PA	
COMMS/COMPUTERS	
FINANCE	
PA (CUST/VET)	
RECEPTION	
U.S. OFFICE	

~~CONFIDENTIAL~~

164/11

~~CONFIDENTIAL~~

DECLASSIFIED

Ministry of Foreign Affairs and Trade

Your file:

Our file:

16:40 (7691)

700/PAR/00000/00000

\$393.89

FROM:	PARIS	C02029/PAR	16-Aug-1994
TO:	WELLINGTON NEW YORK	WGTN UNSC	Priority Priority
CC:	BEIJING BRUSSELS GENEVA LONDON MOSCOW SANTIAGO WASHINGTON	BONN CANBERRA HARARE MADRID OTTAWA TOKYO DEFENCE	Routine Routine Routine Routine Routine Routine Routine

MFAT (MEA, LGL, UNC, ISAC, HRU, EUR, DSP3, DSP1)
(EAB)

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

11

Subject

SECURITY COUNCIL: RWANDA

Wgtn's C26968 and New York's C04932.

Summary

- According to the Quai, France has no official position on whether it will respond favourably to pressure from the UN Secretariat to extend "Operation Turquoise" by a few days.

- PM Balladur reiterated over the weekend that France did not intend staying in Rwanda beyond 22 August.

- France will only consider prolonging Operation Turquoise for a short period if the new Rwandan Government agrees.

Action

For your information.

Report

2. In a radio interview on Sunday, PM Balladur said that France did not intend staying on in Rwanda beyond 22 August. He said :

"France has accomplished what it considered to be its

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED

C02029/PAR

Page 2

Ministry of Foreign Affairs and Trade / 120

mora responsibility vis à vis, notably Francophone, African countries, but it cannot extend its action indefinitely. In these circumstances, the United Nations and the Rwandan Government should each assume its respective responsibilities. This Rwandan Government must say whether it wants the support of France or not and it must make those gestures necessary to reassure the population."

3. We spoke to Rist (UN Section) this morning who confirmed that France was under a great deal of pressure for the UN Secretariat and the US to stay on in the protected humanitarian zone for around another week until the Ethiopian troops were fully in place. The Ethiopians began arriving in Kigali on 14 August but Rist said that latest indications were that they would not be fully deployed in the humanitarian zone until 19 -21 August. Recalling PM Balladur's comments, she said that France had not yet taken a position in respect of these requests to stay on. France considered that it had done all it could to ensure that there were sufficient UNAMIR troops to take over in the humanitarian zone. It was important not to discourage people (both the UNAMIR troops from taking over and the Rwandan refugees from remaining on Rwandan soil.) She confirmed that France would not consider staying on without the specific agreement of the new Government in Kigali and added that "The ball is not in our court".

4. We indicated that New Zealand would support a technical resolution to extend for a short period the authorisation of Operation Turquoise if one came before the Council. Rist said that she appreciated this advice.

End Message

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED

164/1/1

Your file: 3/88/1

Our file: 522/1/1

18:24 (7701)

700/MEA/00000/00000

\$268.42

FROM: WELLINGTON

C27030/WN1

17-Aug-1994

TO: NEW YORK

Immediate

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON
WGTN UNSC

Routine
Routine
Routine
Routine
Routine
Routine
Routine
Routine

MFAT

(MEA, LGL, UNC, ISAC, HRU, EUR, DSP3, DSP1)
(EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

U56128: SECURITY COUNCIL : RWANDA : PRESIDENTIAL STATEMENT

Your C04931 and fax 2451.

Summary

2 We have some doubts as to whether a statement as drafted would have the desired effect. We agree that the best outcome may be for the President to speak to the press on the subject.

Action

3 For information and action as appropriate.

Comment

4 We appreciate your efforts to keep the question of the return of refugees currently in Zaire at the forefront of Council attention. As we see it the Council's immediate objectives continue to be to:

- provide security and confidence through the full deployment of UNAMIR II in Rwanda;
- support various efforts to encourage refugees to return and;
- decide how those suspected of crimes against humanity

~~CONFIDENTIAL~~

might be dealt with through national or international mechanisms (such decisions have not yet been taken).

5 We have some concerns about the selectivity of the statement as drafted. The Zaireans may feel unnecessarily singled out, particularly in the apparent absence of pre-consultation. The Council needs to consider carefully the message that it wants to send to Zaire and its effect on other neighbouring countries. Of particular importance is the question of how Zaire will deal with remnants of the interim government forces. Will it allow these to regroup and eventually conduct cross-border raids into Rwanda? Zaire presumably has an interest in seeing the refugees return. We also wonder whether there is any prospect that Zaire would be willing (or capable) to take measures against members of the former interim government leadership as a way of discouraging the notion of permanent exile or asylum. Any statement by the Council therefore needs to be framed with the wider political and refugee context in mind.

7 The statement as presently drafted appears categorically to back the new Government's "assurances" to returning refugees. There may well be cases of revenge/summary justice meted out by elements of the new Government or by the local population and we would not wish the Council to be placed in a difficult position because the new Government does not live up to its expectations.

8 The French Charge called on us on 16 August to discuss your draft statement. France is concerned that current conditions and the pronouncements coming out of Kigali are not wholly conducive to encouraging the return of refugees.

9 We see from Reuters reports that a regional initiative is underway to encourage refugees to return to Rwanda. This is more likely to be of practical assistance than a Council statement. However, we see merit in your suggestion of an agreed press statement which could (among other things) welcome the regional initiative.

10 Incidentally we assume that one thing that may help in due course to move refugees back into Rwanda is proceedings in Zaire against those responsible for crimes against humanity. We take it that, if that were to happen (and the Zairean legal system were up to it), proceedings could not be based on the Genocide Convention (given the limitations that you note on who can take action under the Convention) but that a way would rather have to be found of basing them on, say, the Geneva Conventions.

End Message

~~CONFIDENTIAL~~

DECLASSIFIED

Ministry of Foreign Affairs and Trade / 20

Your file: 3/88/1

Our file: 522/1/1

18:21 (7700)

700/MEA/00000/00000

\$268.42

FROM: WELLINGTON

C27029/WN1

17-Aug-1994

TO: NEW YORK

Immediate

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON
WGTN UNSC

Routine
Routine
Routine
Routine
Routine
Routine
Routine
Routine

MFAT (MEA, LGL, UNC, ISAC, HRU, EUR, DSP3, DSP1)
(EAB)

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

IN

Subject

U56126: SECURITY COUNCIL : RWANDA : PRESIDENTIAL STATEMENT

Your C04931 and fax 2451.

Summary

2 We have some doubts as to whether a statement as drafted would have the desired effect. We agree that the best outcome may be for the President to speak to the press on the subject.

Action

3 For information and action as appropriate.

Comment

4 We appreciate your efforts to keep the question of the return of refugees currently in Zaire at the forefront of Council attention. As we see it the Council's immediate objectives continue to be to:

- provide security and confidence through the full deployment of UNAMIR II in Rwanda;
- support various efforts to encourage refugees to return and;
- decide how those suspected of crimes against humanity

~~CONFIDENTIAL~~

might be dealt with through national or international mechanisms (such decisions have not yet been taken).

5 We have some concerns about the selectivity of the statement as drafted. The Zaireans may feel unnecessarily singled out, particularly in the apparent absence of pre-consultation. The Council needs to consider carefully the message that it wants to send to Zaire and its effect on other neighbouring countries. Of particular importance is the question of how Zaire will deal with remnants of the interim government forces. Will it allow these to regroup and eventually conduct cross-border raids into Rwanda? Zaire presumably has an interest in seeing the refugees return. We also wonder whether there is any prospect that Zaire would be willing (or capable) to take measures against members of the former interim government leadership as a way of discouraging the notion of permanent exile or asylum. Any statement by the Council therefore needs to be framed with the wider political and refugee context in mind.

7 The statement as presently drafted appears categorically to back the new Government's "assurances" to returning refugees. There may well be cases of revenge/summary justice meted out by elements of the new Government or by the local population and we would not wish the Council to be placed in a difficult position because the new Government does not live up to its expectations.

8 The French Charge called on us on 16 August to discuss your draft statement. France is concerned that current conditions and the pronouncements coming out of Kigali are not wholly conducive to encouraging the return of refugees.

9 We see from Reuters reports that a regional initiative is underway to encourage refugees to return to Rwanda. This is more likely to be of practical assistance than a Council statement. However, we see merit in your suggestion of an agreed press statement which could (among other things) welcome the regional initiative.

10 Incidentally we assume that one thing that may help in due course to move refugees back into Rwanda is proceedings in Zaire against those responsible for crimes against humanity. We take it that, if that were to happen (and the Zairean legal system were up to it), proceedings could not be based on the Genocide Convention (given the limitations that you note on who can take action under the Convention) but that a way would rather have to be found of basing them on, say, the Geneva Conventions.

End Message

~~CONFIDENTIAL~~

164/111
DECLASSIFIED

Your file: 115/23/37

Our file: 3/88/120
Ministry of Foreign Affairs and Trade

21:35 (7719) 700/NYK/00000/00000 \$419.22

FROM:	NEW YORK	C04957/NYK	17-Aug-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP3)
(DSP1, EAB)

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

Subject

SECURITY COUNCIL: RWANDA

Your U56028, Paris's C02029.

Summary

- Secretariat report that the situation in the French zone has deteriorated and that a further large-scale exodus into Zaire looks more likely
- There remains considerable uncertainty about whether the French will agree to stay on for a short period to enable the Ethiopian contingent of UNAMIR to take over

Action

Information

Report

In the course of advising Council members of the Special Rep's attitude to our proposed Presidential statement (see our separate message), Gharekhan gave an update of the situation in the French zone.

2 He said that Khan had told him today that up until last night, the situation in the zone had been serious but not critical. Today, however, Khan was not so sure. There had been a serious and potentially destabilising movement of

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~~CONFIDENTIAL~~

DECLASSIFIED

/ /20
Ministry of Foreign Affairs and Trade

C04957/NYK

Page 2

people towards the border at Cyangugu. They had not yet crossed the border but they were gathering there. The Special Rep was working to try to persuade people not to leave the country but the former government's people were continuing their propaganda and intimidation. Gharekhan went on to note that the terrain around Bukavu was much less hospitable than that around Goma and that it would be much harder to accommodate a large influx of refugees were one to take place.

3 There was no discussion of this report or of the related issue of a possible extension by the French of their presence in the zone. The Canadians told us later, however, that the French Mission here had told them there was little prospect of the French Government agreeing to an extension of Operation Turquoise, mainly because the new Government was unwilling to ask the French to stay on.

4 Notwithstanding what the French told the Canadians, the Secretariat continue to believe a short (10-14 days) extension is possible. The Secretariat has informally asked the French to stay on at least until the Ethiopian contingent of UNAMIR is on its feet. (The Ethiopians are arriving in numbers of about a hundred a day at present, but it will take them some time to become operational.)

5 The Secretariat told us that the French know that, given the attitudes of some in the Rwandan Government, there is no possibility of the Government asking the French to stay on. But it would be possible for the Secretariat to secure the Government's consent to an extension and for that to be presented in the best possible light to the French public. That, if combined with unanimous Council support for an extension, might be enough to persuade the French to stay on for a brief period, notwithstanding the firm position being taken in public by the French authorities.

5 Obviously, if something is to be done in the Council, it will have to be done in the next few days. It is surprising, therefore, that nothing was said on the subject today and that Rwanda was not put on the agenda for tomorrow's informals. We will try to find out more on where things stand tomorrow.

End Message

CONFIDENTIAL

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DECLASSIFIED
Ministry of Foreign Affairs and Trade

164/111

Your file: 115/23/37

Our file: 3/88/1

19:51 (7743) 700/NYK/00000/00000 \$597.21

FROM:	NEW YORK	C04968/NYK	19-Aug-1994
TO:	WELLINGTON	WGTN UNSC	Priority
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP3)
(DSP1, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA

Summary

- SecGen confirms that RPF Govt refuses to agree to extension of French force and he has given up his efforts to try to persuade the French to stay on
- Zaire has said it is closing the border with Rwanda
- The situation throughout Rwanda will be difficult for the foreseeable future given the inexperience of the new government and the take over by incoming Tutsis of properties abandoned by fleeing Hutus
- SecGen considers the establishment of an international tribunal will be an important step in promoting national reconciliation but Brazil and China express reservations
- The SecGen warns UN will have to stay on in Rwanda for many years
- He notes that the activities of the leaders of the massacres in the camps in Zaire and elsewhere is a major obstacle to promoting the return of refugees and to national reconciliation

Action

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED

C04968/NYK

Page 2

Ministry of Foreign Affairs and Trade

Information

Report

Rwanda was the first item on the SecGen's briefing of Council members today. The subsequent discussion did not take matters very far: Council members were more focussed on what the secGen had to say on Burundi (see our separate message).

2 The SecGen began by thanking the French for their intervention which, he said, had saved thousands of lives and had given the UN more time to deploy its troops. He said that he had tried to secure an extension of the French force to facilitate the transfer of responsibilities to UNAMIR but, in the face of the "intransigence" of the new Government in Kigali, had given up these efforts. He also thanked the US and UK "and others" for their efforts to equip and facilitate the deployment of UNAMIR troops and for their contributions to international relief efforts, and acknowledged the special contribution made by Canada, especially in the person of General Dallaire.

3 The SecGen said that UNAMIR would take over responsibility for the zone following the French departure. He noted that the total UNAMIR force stood at 2,564 at present; - considerably less than the authorised ceiling of 5,500. The Ethiopian troops would be on the ground by 21 August, the day before the French depart. The situation in the zone would be very difficult once the French had gone. Meanwhile, the Zairean authorities had decided to close the border. Within the zone, there were groups of Tutsis surrounded by Hutus and groups of Hutus surrounded by Tutsis. The presence of members of the former Government's forces were an added complication.

4 The SecGen went on to note that the situation throughout Rwanda was likely to be difficult in the months ahead. The new Government was comprised of people who had been freedom fighters for the last 20 years and who had no experience of government. The fact that properties formerly owned by Hutus who had fled had been taken over by the arriving Tutsis added to the problems. The situation would be further aggravated if the new Government, despite its promises, decided to exact retribution for the massacres or decided to try to put large number of Hutus on trial for the massacres.

5 A number of steps were being taken to try to alleviate the situation:

- (a) the Special Rep was trying to promote national reconciliation between Hutu and Tutsi
- (b) the Commission of Experts appointed under Res 935 had been asked to provide an interim report to facilitate consideration of the establishment of a standing or ad hoc international tribunal which, by being impartial,

~~CONFIDENTIAL~~

would itself help to promote national reconciliation

- (c) the UN, through UNAMIR, was beginning efforts to promote the rebuilding of the infrastructure of the country.

6 The SecGen stressed that it would be quite unrealistic to think that the UN could leave Rwanda after a few months. Humanitarian relief personnel from the UN, its agencies and ngos would be needed "for years", as would military personnel to protect them, especially in view of the increase in banditry.

7 In subsequent discussion, Merimee confirmed that French troops would be gone by the evening of 21 August. "There will not be a single one French soldier left on Rwandan territory on 22 August."

8 The only issue to occasion much substantive discussion was the possible establishment of an international tribunal. Sardenberg noted that Brazil would weigh the issue carefully but considered that it might be better to explore ways of assisting national institutions to try those suspected of involvement in the massacres. The Chinese expressed a similar preference for "national solutions". In response, Boutros Ghali noted that the Secretariat had concluded that only an international mechanism could provide Rwandans, particularly Hutu, with the assurance that the trials were not an exercise in vengeance.

9 We agreed that the involvement of an international body would be essential if the process of bringing people to justice was to assist national reconciliation. But we also noted that the numbers involved were likely to be such that they would quickly overwhelm the tribunal. Therefore, any tribunal would need to be supported by other measures to ensure that the process did not become bogged down.

10 Hannay referred to the presence in the camps in Zaire and elsewhere of persons suspected of involvement in the massacres, the complications that they were causing to the efforts to encourage the return of refugees, and the instability they would cause for Rwanda and their host countries if they were able to set up "Gaza strips" along Rwanda's borders. Boutros Ghali agreed, but noted that the countries hosting the camps were not prepared to try to get these people as that would require the use of force. Equally, UNAMIR did not have the resources to go after them. We noted that it was inconceivable in present circumstances to think that these people could be extracted by force. Other forms of pressure had to be exerted by political and legal means to try to get them to release their hold on the genuine refugees.

End Message

~~CONFIDENTIAL~~

DECLASSIFIED

164/111

Your file:

Our file: 3/89/1

18:14 (7733)

700/NYK/00000/00000

\$203.32

FROM: NEW YORK C04961/NYK
TO: WELLINGTON WGTN UNSC
CC: BEIJING BONN
BRUSSELS CANBERRA
GENEVA HARARE
LONDON MADRID
MOSCOW OTTAWA
PARIS SANTIAGO
TOKYO WASHINGTON
DEFENCE

18-Aug-1994

Priority

Routine
Routine
Routine
Routine
Routine
Routine
Routine
Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA

Our C04958 noted that the SG would brief the Council today (18 August) on the situation in Rwanda and Burundi. Briefing has now been rescheduled for tomorrow (apparently because the SG was not well). There was no further discussion of either matter following this announcement.

2 The French Ambassador told us this morning that the French had now had confirmation that the RPF Government would not consent to an extension of the French force and in these circumstances the issue now seems settled that the French will pull out on schedule. Merimee ventured the personal view that had Rwandan consent been forthcoming, the French Government would have agreed to a brief overlap with the UNAMIR forces to ensure a smooth transition.

End Message

~~CONFIDENTIAL~~

ACTION

~~CONFIDENTIAL~~

DECLASSIFIED

Your le: 115/23/37

Our file: 3/88/1/20
Ministry of Foreign Affairs and Trade

20:04 (7793)

700/NYK/00000/00000

\$203.32

FROM: NEW YORK

C04990/NYK

25-Aug-1994

TO: WELLINGTON

WGTV UNSC

Priority

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON

Routine
Routine
Routine
Routine
Routine
Routine
Routine
Routine

MFAT

(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP3)
(DSP1, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

W

Subject

SECURITY COUNCIL: RWANDA

The Council today formally adopted a decision (S/PRST/1994/48) giving effect to its earlier agreement that Spain rather than Rwanda will take the Presidency in September.

2 The decision does not address the question of when Rwanda will have the Presidency, though the operating assumption is that this will be in December. Legally, the Council will have to take another decision to allow Rwanda to take the Presidency then. It will also have to provide that in January the Presidency reverts to the original alphabetical order commencing, appropriately, with Argentina.

End Message

~~CONFIDENTIAL~~

CONFIDENTIAL

DECLASSIFIED 164/111

ACTION

Your file: 115/23/37

our file: 3/88/1

17:16 (7839)

700/NYK/00000/00000

FROM: NEW YORK

C05023/NYK

TO: WELLINGTON

WGTM UNSC

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON

AMEMBASSADOR	
COUNSELLOR (DHM)	
COUNSELLOR (VET)	
FIRST SEC (GUS)	
SECOND SEC (GUS)	\$292.23
SECOND SEC (2)	
OFFICE MANAGER	30-Aug-1994
ATTACHE (PA)	
ATTACHE (PA)	Priority
PA	
COMM. SYSTEMS	Routine
FINANCE	Routine
PA (CUST. INFO)	Routine
RECEIVED	Routine
DEPT.	Routine
	Routine
	Routine

MFAT

(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP3, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

SECURITY COUNCIL: RWANDA

Summary

- New Rwandan PR takes up his seat on the Council
- UN is discussing with Rwandan Government its resumption of authority in the former French zone
- SG is sending a special mission to region and will then come back to Council with proposals to improve coordination on refugee questions in all four countries.

Action

For information.

Report

3 New Rwandan PR (Bakuramutsa Manzi) assumed his seat in the Council today and was officially welcomed by the President.

4 SG briefed the Council today. He said that discussions with the Vice-President and Minister of Defence (Paul Kagame) over the Government's gradual resumption of authority in the former French zone were going well. The SRSG had also had contacts with the representative of Rwanda in Zaire with regard to the disarmament of the former government's forces there. This, he said, was a long-term problem.

5 He noted the region-wide nature of the refugee problem. It was not just a case of refugees in Zaire but also in

CONFIDENTIAL

~~CONFIDENTIAL~~

DECLASSIFIED
Ministry of Foreign Affairs and Trade / 120

C05023/NYK

Page 2

Tanzania, Burundi and Rwanda itself. The SG had signalled to his Special Representative his support for the adoption of a regional approach to refugee questions and his intention to coordinate all four country operations. The SG would now send a special mission to look at the region as a whole and improve coordination on refugees and displaced persons and the situation of both those inside and outside the camps. Once this special mission had reported to the SG he would consult with the Council in an effort to find a better approach to the problem.

6 UK was the only Council member to respond to SG's comments on Rwanda. Hannay said he welcomed news of the special mission and the SG's intention to implement a region-wide approach. There was a real risk of the Zaire camps being used by the RGF to organise incursions and to continue preventing the return of refugees. Given the success of the humanitarian operation for Rwanda, the security/intimidation aspect associated with the refugee situation was the country's "number one problem" and it should remain at the centre of the Council's focus.

End Message

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED

Ministry of Foreign Affairs and Trade

Your file: 115/23/37

Our file: 3/88/1

18:46 (7882)

700/NYK/00000/00000

\$508.30

FROM: NEW YORK

C05056/NYK

02-Sep-1994

TO: WELLINGTON

WGTN UNSC

Priority

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON

Routine
Routine
Routine
Routine
Routine
Routine
Routine
Routine

MFAT

(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

SECURITY COUNCIL: RWANDA

Summary

- Rwandan and Zairoise Governments have met to discuss the refugees in the camps and are considering a draft agreement on refugee repatriation prepared by UNCHR.
- Zaire would like all the refugees out of the country by the end of this month and says it is starting to take steps to control Hutu extremists who are obstructing repatriation efforts.
- SecGen is dispatching a mission to coordinate a region-wide approach to the refugee issue, but large scale repatriation has still not really got underway.
- Rwanda PR makes a plea for international assistance for reconstruction efforts inside the country noting that to date everything has gone to the refugees in the camps outside, and stresses the critical need to reestablish the domestic legal infrastructure. He also warns of the possibility of external interference.

Action

Information.

Report

~~CONFIDENTIAL~~

Gharekhan told Council members at informals today (2 September) that the Governments of Rwanda and Zaire had had meetings over the past few days to discuss issues relating to the refugees in the camps. The talks covered a range of matters including the Rwandan Government's desire to obtain the weapons, central bank funds and other monies and gold ingots taken out of the country by the former Government's leaders. UNHCR had given a draft refugee repatriation agreement to both parties and a working group had been established to discuss the technical aspects of the issue.

2 Zaire has said that it would like all the refugees to leave its territory by the end of September. It also said it would take steps to encourage the return of refugees by taking action against the Hutu extremists who have been obstructing repatriation efforts and by disarming the members of the former Rwandan army. The two governments had agreed that they should meet again in the future to discuss the refugee issue.

3 Gharekhan also advised that the SecGen was pursuing his efforts to promote a regional approach to coordinating the humanitarian relief response to the problems affecting Rwanda and the consequences for its neighbours. The team led by Ambassador Dillon, a former US diplomat, would be leaving for the area next week. Our accompanying fax contains a press statement concerning Dillon's mission. The SecGen had also asked his Special Rep, Khan, to go to Zaire to see what could be done to encourage the repatriation of refugees and to increase the security of the refugees still in the camps. Khan would be going both to Kinshasa for discussions with central government officials and also to the Goma and Bukavu regions for discussions with local authorities.

4 Overall, Gharekhan said the situation was calm but the rate of return of refugees had slowed in recent days. The UN Rwanda emergency office was in the process of devising a new strategy to encourage refugee return. Although UNHCR and other agencies were arranging for the repatriation of refugees and displaced persons at designated pick up points in the south, large scale organised repatriation had not yet started because of continuing intimidation by Hutu militia and because the government had yet to provide adequate security assurances.

5 In his first intervention since joining the Council, the new Rwandan PR, said that if the Council wanted to encourage the return of refugees, it needed to take certain steps. First, Rwanda needed assistance in national reconstruction. Aid was needed for the people inside the country as well as for those in the camps outside. At present, there was little economic incentive for the refugees coming back into the country. Secondly, refugees who were frightened to return needed some kind of reassurance that a state of law existed within the country. Rwanda desperately needed help in re-establishing its domestic legal infrastructure. In this

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Ministry of Foreign Affairs and Trade

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regar he noted that one had to distinguish between refugees who were frightened but had nothing to fear because they had done nothing wrong, and those who had committed atrocities. The latter had to be made to face the consequences. In this regard, the work of the Commission of Experts would be very important. Thirdly, he warned of the possibility that the country would be destabilised by attacks from outside, including by forces who were supported externally.

6 There were no other comments made on Rwanda but the President noted that the situation, like that in Burundi, would need to be kept under continuing close review.

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End Message

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1641111
1/20
Ministry of Foreign Affairs and Trade

Your file: 115/23/37

Our file: 3/88/1

17:53 (7969)

700/NYK/00000/00000

\$448.44

FROM: NEW YORK

C05084/NYK

09-Sep-1994

TO: WELLINGTON

WGTN UNSC

Priority

CC: BRUSSELS

CANBERRA

Routine

GENEVA

HARARE

Routine

LONDON

MOSCOW

Routine

OTTAWA

PARIS

Routine

WASHINGTON

DEFENCE

Routine

MFAT

(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP3, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

SECURITY COUNCIL : RWANDA

Summary

- General Dallaire predicts that unless the UN acts proactively and quickly a downwards spiral into regional conflict with long term fighting and a virtually permanent refugee crisis is likely.
- Most colleagues here agree with Dallaire's analysis, but few believe his proposed solution (UNAMIR to take over the camps in Goma and Bukavu) can work.
- We suggest an alternative strategy.

Action

For information and comment.

Report

General Dallaire told us, in the course of a small lunch this week, that he is strongly of the view that action must be taken very soon to prevent the entrenchment in Tanzania and Zaire of the Hutu population under the political and military control of army and militia extremists. He foresees another Cambodia/Thai border scenario. Right now the defeated RGF army has minimal military capability. He predicts, however, that if no action is taken in the next few months to separate the militia and military from the civilians, to detain key instigators of the massacres and proactively to get the refugees heading back to Rwanda, the situation will become virtually permanent and lead inevitably to renewal of

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hostilities. In those circumstances he sees the RPF taking early preemptive action to strike against the refugee camps and the likely widening of war to the region as a whole.

2 The Secretariat's official position is more cautiously expressed but the key players here in New York (Baril, Riza, and Annabi) have all told us privately that they fully agree with this analysis.

3 Dallaire set out the same position at the Troop Contributors meeting yesterday. Detailed report follows separately.

4 Discussion with Western colleagues (UK, France, US) confirms that they also agree with Dallaire's analysis and support the line which we and the British have been pressing in the Council over the past couple of weeks.

5 There is less agreement, however, over the appropriate response. Dallaire argues cogently for a strategy based on the following

- shift focus of humanitarian assistance away from the camps and instead focus on provision of assistance in Rwanda;
- establish International Tribunal quickly and make it clear that it will have jurisdiction in Zaire/Tanzania;
- extend mandate of UNAMIR so the Blue Helmets can go into the camps in Zaire and Tanzania and separate, forcibly if necessary, the war criminals from the civilians.

6 The African troop contributors are nervous about Dallaire's "go after the bad guys" prescription. Ghana for instance argues strongly that Troop Contributors would have difficulties about incurring the casualties that such a mandate might involve. Also they remind us of the need not to lose sight of the political realities that will be inherent in national reconciliation, ie the RPF will have to show (much greater) willingness to "forgive and forget" if long term peace is to be achieved.

Comment

7 Our view is that Dallaire is right that a coordinated strategy is required but wrong in proposing that UNAMIR should be deployed to force a particular outcome in the camps.

8 Our judgment is that the underlying reason for anxiety by African Troop Contributors has to do with African solidarity, ie none of them want to be in a position where their troops crossed the border to enforce measures in the countries neighbouring Rwanda.

9 We have no doubt that Tanzania (and even perhaps Zaire)

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would welcome the possibility of someone else ridding them of the problem on their borders and might give tacit or even actual consent. But they would certainly prefer a politically easier solution than that of UNAMIR going in.

10 We also consider that Dallaire's approach does not adequately factor in the potential for the ex-militia (who have demonstrated their contempt for human life of any kind) to use their own people as human shields (Somali tactics) perhaps even provoking serious loss of civilian life simply in order to blame the UN.

11 We therefore believe that the Council needs to consider a more nuanced strategy, blending together long, medium and short term objectives.

12 As far as the long term is concerned the goals must be

- national reconciliation based, as far as possible, on the Arusha Accords;
- final return of all refugees;
- trial of key instigators and perpetrators of genocide.

13 The medium term would require

- continued presence of UNAMIR as a symbol of neutral and independent security presence with involvement of Human Rights monitors;
- reintegration into army, police and bureaucracy of those of the former regime not tainted with the massacres;
- some form of amnesty for bulk of Hutu population;
- ongoing ODA assistance at levels sufficient to persuade bulk of refugees that risks in Rwanda are worth taking;
- completion of international legal machinery for prosecutions that will guarantee impartiality of justice (achieving this may require provision for some trials to be held in neighbouring countries simply because the dependents may resist going back to Rwanda).

14 For the short term we would envisage

- a clear message to the UN agencies and donor community, suitably publicised, that focus of humanitarian assistance in camps should be shifted quickly to regional towns in Rwanda;
- a clear reiteration from the Rwandan Government of commitment to national reconciliation and the Arusha Accords;

- adoption of a statute for an international tribunal to signal that genocide will not be forgotten but also that there will be no kangaroo courts;
- a clear signal that refuge outside Rwanda will not ensure immunity from prosecution;
- a major political effort by the Security Council and the Secretariat with Zaire and Tanzania to establish a programme of action to deal with the camps which should include:
 - a agreement by the neighbours that the army and militia should be separated from civilians;
 - b agreement by the international community to assist Tanzania and Zaire in this (it seems to us that most effective assistance would be bilateral and of a police or para military nature rather than combat troops);
 - c UN might assume responsibility for coordinating this programme and for funding resources for the establishment of separate camps;
 - d a major transportation and relocation capability should be geared up to assist the return of refugees and UNAMIR should be deployed in sufficient force at border crossings and in the adjacent areas of Rwanda to ensure returning refugees are safe from harrassment;
 - e adjusting the arms embargo to include a prohibition on the supply of weapons to RGF elements outside Rwanda.

15 Many elements of this strategy are already being pursued but in a half hearted and uncoordinated way. There is a case for the Security Council trying to make up for what it failed to do in April and May by playing a role in charting the course to be followed from here on. Without a coordinated strategy it seems to us that events are indeed likely to drift in precisely the direction General Dallaire fears.

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End Message

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164/1/1

Ministry of Foreign Affairs and Trade

Your file: 115/23/37

Our file: 3/88/1

20:25 (7945)

700/NYK/00000/00000

SEC \$571.71

FROM: NEW YORK

C05078/NYK

TO: WELLINGTON

WGTN UNSC

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON

08-Sep-1994

Priority

Routine

Routine

Routine

Routine

Routine

Routine

Routine

Routine

MFAT

(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP3, EAB)

P/S MFA

DEFENCE HQNZDF (DSIA, OPS, DDI)

DEFENCE MOD (GENTLES)

IN

Subject

SECURITY COUNCIL : RWANDA

Summary

- Rwandan Government confirms its acceptance of the establishment of an international tribunal
- Government is slowly extending its control over the former French humanitarian zone
- UNAMIR has had indirect reports of preparations being made for guerrilla activities to be launched from outside the country
- The situation in the camps is of increasing concern to the Rwandan Government and to Council members; NZ and UK propose that the SecGen prepare a report on the issue in the near future

Action

Information.

Report

At informal consultations today (8 September), ASG de Soto gave an update on developments in Rwanda. Special Rep Khan met President Bizimungu on 2 September. The President was concerned at the military and political intimidation that members of the former government were continuing to exercise

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in the camps in Zaire. He was also very disappointed the Government had not been able to obtain the return of government assets that had been spirited out of the country.

2 The President had also confirmed that his government accepted the idea of the establishment of an international tribunal to prosecute persons suspected of involvement in the massacres, but emphasised that the tribunal should meet in Rwanda or in a neighbouring country. He had also reaffirmed Rwanda's sovereign right to take action under its own law in respect of the massacres.

3 The government was gradually extending its authority into the former French humanitarian zone. Civil administrators were returning and members of the government forces were slowly deploying into the area. Some 2,000 former RPF troops had been deployed into the zone and members of the former government forces and militia were beginning to hand over their weapons to UNAMIR.

4 de Soto also noted that UNAMIR had had indirect reports of infiltration of former government forces from neighbouring countries. This suggested that guerrilla operations were being prepared but he emphasised that UNAMIR had not itself had direct evidence of such activities.

5 On the positive side, commercial flights by Sabena, the Belgian airline, had resumed into Kigali. Radio Rwanda had also now achieved the capability of broadcasting into the southern party of the country and into neighbouring parts of Zaire. This should help to offset the activities of the former government members who were trying to dissuade refugees from returning. (Hannay noted that the UK and US had jointly provided UNAMIR with equipment to establish their own powerful radio station which would also assist in the process of getting objective information out to the people in the camps.)

6 The total UNAMIR force as of today (8 September) stood at 4077 including 297 military observers, 5 civilian police and 3,793 troops. The troops were made up of the following: Australia 314, Canada 392, UK 610, Ethiopia 801, Ghana 820, Malawi 166, Nigeria 41, Zambia 101, Chad 129, Congo 40, Guinea Bissau 35, Niger 43 and Senegal 241 plus 60 staff from UNHQ.

7 de Soto reported that a new refugee camp was being established to the north of Goma. He also noted that Special Rep Khan was shortly to go to the camps to see what might be done to increase the security of the refugees.

8 Following the briefing, the President noted that he had been pressing the Secretariat for information on when the interim report of the Commission of Experts could be expected but had not been given any clear indication on timing.

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9 1 May (UK) then said that while the information provided was useful, what the Council really needed was a report with an assessment from the SecGen on how the UN was proposing to deal with the members of the former government who were harrasing civilians in the camps. The Rwandan PR said any report should address not just the specific issues of the camps and the investigation into the massacres but should address the whole situation in Rwanda.

10 In response de Soto noted that the mandate for UNAMIR did not expire until 9 December but that the SecGen was obliged to provide to report by 9 October. He also noted that technically the UNAMIR mandate did not extend outside Rwanda's borders, though he noted that the SecGen's recently despatched mission sought to address the refugee issue on a region-wide basis.

11 We then said that it was clear that the Council not afford to wait until early October before addressing the situation in the camps. While the UNAMIR mandate related to Rwanda, it also dealt generically with the protection of refugees who were now primarily situated outside the borders. We also noted that the fact that the problem was affecting neighbouring countries was added reason for Council involvement in the issue. We urged the Secretariat to take a liberal interpretation of their responsibilities under the mandate and what might be done in respect of the problems at the camps and to report quickly to the Council.

12 The President concluded the discussion by noting that while the SecGen was not obliged to report on Rwanda until 9 October, Council members would welcome it if there were a substantive report in advance of that date.

13 We will report further tomorrow on the international tribunal, on meetings with General Dallaire, a troop contributors meeting this evening and some commentary on where we think the Council should go from here.

End Message

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- the return of refugees including a focus on assistance within Rwanda instead of the camps.

6 Following from this, we have no problem with the medium and long-term objectives as set out in your telegram (except the proposal for an amnesty). Further down the track consideration will need to be given to the question of a timeframe for these objectives, ie how long is the long term?

7 When it comes to the short term, the Council will need to work very closely with the Secretariat and regional countries.

8 We see this indeed as a prime example of where we should try to put into practice the approach we have advocated that the Council consult neighbouring and other regional countries with a direct interest in a crisis. This should be done before proceeding to any drafting of Council statements or resolutions.

9 We understand the Tanzanians have already brought regional countries together once to discuss the problems flowing from the crisis in Rwanda. The SRSG is in Zaire again and will be going to Tanzania later this week.

10 While it might be for the Spanish President to arrange consultations with regional states, we would see merit in your initiating direct discussions with Tanzania, Zaire and Uganda. The Nigerians as a key African voice would also need to be closely engaged.

11 We would also like to take advantage of Absolum's credentials visit to Tanzania to get an insight into their approach. See our separate message to Harare. Any additional questions you want to add would be welcome.

12 We have reservations about some of the measures you suggest as a programme of action to deal with the camps, particularly the idea of separating army/militia from civilians and resourcing separate camps and major transportation/relocation structures. We would certainly not want to raise expectations about any additional New Zealand assistance, given the already substantial contribution made to the situation in Rwanda.

13 We can foresee some difficulties with the proposal that dealing with the camps should include an agreement by Rwanda's neighbours that the army and militia should be separated from civilians and that this should be achieved through bilateral (police or para military) assistance coordinated by the UN. This differs only cosmetically from Dallaire's proposal and has, in our view, many of the attendant difficulties you identify in your para 10.

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Ministry of Foreign Affairs and Trade

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End Message

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1 / 20
Ministry of Foreign Affairs and Trade

Your file: 3/88/1

ACTION

Our file: 115/23/37

17:30 (8145)

700/MEA/00000/00000

\$296.18

FROM:	WELLINGTON	C28645/WN1	23-Sep-1994
TO:	NEW YORK	WASHINGTON	Priority
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WGTN UNSC	Routine
	DEFENCE		Routine

MFAT (MEA, UNC, LGL, HRU, ISAC, EUR, DP3, DSP3, EAB)

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

IN

Subject

U58742: SECURITY COUNCIL : RWANDA : US PAPER ON CAMP SECURITY

US Embassy this morning handed us a paper setting out options for dealing with security in the Rwandan refugee camps in Zaire and Tanzania (text by fax to you and selected posts). Embassy said paper was being given to UNSC members, UNAMIR contributors and other interested countries.

2 Options include expanded UNAMIR; new UN peacekeeping force; UN guards; training and equipping Zaire and Tanzania border guards; private guards on contract; third country forces; OAU organised force with outside logistical support - or a combination of these. Paper draws no conclusions. Embassy said purpose was to stimulate and focus discussion in light of the serious and worsening security situation in the camps.

3 As preliminary response we welcomed purpose and timeliness of US initiative and said we would reflect on paper here and in New York. Each option raised many questions. We understood the SRSG was about to report on his consultations in the region including with Zaire and Tanzania. His recommendations would be influential. The views of Zaire and Tanzania themselves would be crucial in any consideration of options. Had they been

directly consulted as to what form of assistance was needed? (Embassy could not confirm.) In our view key consideration was what type of separation operation was needed. Then question of how it could best be conducted/supported. Was

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there greater scope for confidence-building measures in the camps in the first instance? What other options were there short of the use of force - given the attendant difficulties, including that of identifying militia members? While our preference, in principle, would be for OAU or regional involvement (the US paper acknowledges that this might be more acceptable to the Rwandans and their neighbours), we recognised that this could still require substantial outside assistance. Clearly effectiveness in the short-term was an important consideration.

4 We note from Geneva's fax 662 (not to all), just received, that UNHCR is also involved in consultations on nature and logistical requirements of a separation operation. We assume the results of these and UNHCR follow-up assessment mission will also be factored into the Sec-Gen's advice to the Council.

5 Grateful any comments on the US paper and report of any exchanges in New York. We would be particularly interested in outcome of any direct consultations with Zaire and Tanzania.

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End Message

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104111

Your file:

Our file: 197/1/1

19:14 (8183)

700/PAR/00000/00000

\$724.20

FROM:	PARIS	C02101/PAR	26-Sep-1994
TO:	WELLINGTON NEW YORK	WGTN UNSC	Priority Priority
CC:	BEIJING BRUSSELS GENEVA LONDON MOSCOW SANTIAGO WASHINGTON	BONN CANBERRA HARARE MADRID OTTAWA TOKYO DEFENCE	Routine Routine Routine Routine Routine Routine Routine

MFAT (MEA, LGL, UNC, ISAC, HRU, EUR, DSP3, DP3, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA: FRENCH VIEWS

Summary

* NZ 's initiative in preparing a draft statute of an international tribunal for Rwanda has been well-received in Paris. France has comments to offer on the NZ draft but has no problem with its overall direction. It wishes to see an international tribunal established quickly but is concerned that the appointment of judges might take time.

* France has discussed US ideas on camp security with the Americans but has not yet taken a firm position on the various options preferring to wait for SRSK Khan's report. It would not favour the establishment of a new UN force.

* France will have withdrawn all its remaining troops from Goma by 1 October.

* France has reestablished a diplomatic presence in Kigali.

Action

For information.

Report

2. We called late Friday (23 September) on Lignière (UN Section) to discuss the New Zealand and US initiatives in the

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Council on Rwanda.

Draft Statute

Your C28595 and NY's C05149.

3. We were told that the NZ draft statute had been generally well-received in Paris. Legal Division (Puissochet, from whom Beeby will be seeking further comment) had sent some comments to the French mission in New York. France could accept the main elements of the draft and its general thrust. Its concerns at this stage related to the following aspects:

- * definition of "offences" and where they were committed.

France was concerned to ensure that offences which had taken place within the refugee camps, outside of Rwanda, were also covered.

- * the seat of the tribunal.

France was also not sure whether it would be wise to establish the seat of the tribunal in Kigali. Another African capital might be better and less likely to create new tension.

- * the period to be covered.

Legal had also put a question mark over the period to be covered by the tribunal. The NZ draft had proposed that the tribunal cover all offences committed since 1 April 1994. This made some sense but was perhaps too arbitrary. Lignière did not say however whether France had a better idea.

4. More generally, Lignière noted that France was very concerned to see the tribunal established as quickly as possible and welcomed the NZ initiative as helping to focus minds on the issue. She was not however confident that a tribunal could be set up quickly unless some way was found to accelerate the appointment of judges. Experience with the Yugoslav tribunal had not been encouraging in this respect. She also understood that American discussions with Zacklin and the UN Secretariat had not got far; the Secretariat continued to hold major reservations about the establishment of Rwandan tribunal. It seemed clear however from a number of statements by Rwandan Ministers that Kigali did want one to be set up. She noted however that the establishment of a international tribunal could lead to discrepancies in the way in which offenders were treated. The international tribunal would only be able to examine offenses committed by the "big fish" who would at least be assured of a fair trial. But what about the small fry? They could be subject to a much more summary form of justice. She stressed that this was not

an argument against the establishment of an international tribunal. It was however a problem to be aware of, even if in the end it proved impossible to resolve.

Camp security

Wgtn's C28645.

5. France had had a number of discussions recently with the Americans about their proposals on camp security but had yet to adopt a firm position on them. They had told the Americans that they would prefer to await Khan's report. France was however not in favour of the establishment of a new UN operation. That much was already clear. The members of the former RGA and militia in the camps had to be totally demobilised and "given something else to do". Commenting on the former RGA's ability to launch a new attack on the RPF, Lignière noted that while the former RGA no longer had access to heavy weapons they still held some light weaponry. France did not believe the former RGA posed a threat to the new Rwandan Government in the short term but looking ahead they could pose a problem if they were allowed to remain grouped in the camps on the Zaire side of the border.

6. We asked whether France had any particular insights into what Zaire might want to do about camp security. Lignière noted that the chaotic political situation in Zaire made decisionmaking difficult. The Government could be expected to use the issue to reinforce its legitimacy - internationally as well as domestically. Aside from this, Lignière had no little comment to offer. It seemed likely that the Zaire government would have its own ideas but whatever was decided Zaire would be looking for substantial financial assistance.

RPF Reprisals

7. Lignière noted reports that were coming in of reprisals by RPF troops in the south/south west. The RPF had begun moving into the area recently accompanied by UNAMIR troops. UNAMIR had not however fully established control of the area following the departure of Operation Turquoise. France had also received reports of significant, regular movements of refugees towards Tanzania - presumably related to the UNHCR reports of reprisals.

French policy

8. Lignière told us that all of the remaining 500 or so French troops stationed in Goma after the withdrawal of Operation Turquoise were scheduled to leave Goma by 1 October. Those involved in the logistical support of Francophone UNAMIR troops had been withdrawn in two phases beginning 15 September and finishing this past weekend. The remainder, who were for the most part involved in supporting airport operations at Goma, would be out by the end of the

mon). A French military presence was no longer necessary although the French civilian and NGO presence was likely to remain substantial.

9. We asked about contact with the new Government in Kigali and were told that France had established what Lignière described as a "diplomatic antenne" in Kigali headed by a French diplomat from the Quai. The latter had regular meetings with the authorities in Kigali. France had not yet resumed bilateral assistance (other than humanitarian aid) to Rwanda although Lignière did not completely rule this out for the future. (The new Government was particularly interested in receiving financial assistance to pay bureaucrats' salaries.) For the moment however France was happy enough contributing through the EU. She acknowledged Germany's interest in Rwanda and the success of President Bizimungu's recent visit (Bonn's C01638 and C01635) but found nothing unusual or new in this attributing it more to Germany's current role as EU President.

Comment

10. The withdrawal of Operation Turquoise at the end of August was accompanied by much self-congratulation on the part of French Ministers. Polls taken at the time showed that there was solid public support for the Operation which was judged to have been largely successful.

11. In our view the main accomplishment of Operation Turquoise was in demonstrating France's continuing support for "la Francophonie" in Africa. But this was at the expense of a coordinated EU policy. Bonn's contacts (their C01638) are right to doubt France's ability to obtain an EU consensus on African issues. After Rwanda, France can have no confidence that its approach to African issues will receive the support of its European partners. This could become particularly important should the situation in Algeria deteriorate markedly, especially during France's EU Presidency.

11. Operation Turquoise's success (at least in the French eyes) owes much to PM Balladur's natural caution in setting clear limits on the operation from the start. His continuing reserve is to be seen in France's current policy. France seems content to take a side seat for a while. It will continue to provide substantial amounts of humanitarian aid and support UN initiatives when these do not cut across its own objectives. But we are unlikely to see any new French initiatives on the scale of Operation Turquoise. Neither the Government or the public have the stomach for it - particularly with the Presidential elections looming large on the horizon. Most would accept that France were lucky to get away with Operation Turquoise and it would be wisest not to test that luck again - at least for a while.

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Ministry of Foreign Affairs and Trade

C02101/PAR

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End message

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DECLASSIFIED

Your file:

Our file: 161/1/1

18:44 (8189)

700/WSH/00000/00000

\$379.49

FROM: WASHINGTON C03423/WSH 26-Sep-1994
TO: WELLINGTON WGTN UNSC Priority
CC: NEW YORK BEIJING Routine
BONN BRUSSELS Routine
CANBERRA GENEVA Routine
HARARE LONDON Routine
MADRID MOSCOW Routine
OTTAWA PARIS Routine
SANTIAGO TOKYO Routine
TO: Defence Priority

MFAT (MEA, UNC, LGL, HRU, ISAC, EUR, DP3, DSP1)
(DSP3, AMER, EAB)

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

IN

Subject

U05013: SECURITY COUNCIL: RWANDA: US PAPER ON CAMP SECURITY

Your C28645/U58742 and fax 419 of 23 September refer.

Summary

- State has not yet received much feedback from other countries on the paper - France and Belgium are the only two with views on the record so far;
- US focussing on deployment of logistical team and reducing size of camps to more manageable levels;
- Zairean Government does not want private security firms involved; Tanzanian Government has not commented on paper yet but has requested funding from US and Dutch for additional police in camps, and apparently has secured funding from UN although no extra police are in evidence yet.

Action Required

2 To note.

Report

3 We spoke with State (McAuley, Zaire desk, and Stanton, I/O) today about the US paper on camp security, following up the questions posed in your message. Stanton noted that

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neither Zaire nor Tanzania felt in control of the camps, and were only indirectly keeping some semblance of control via the former Rwandan Government authorities there - a dangerous method because it gave the former authorities power in the camps, and exacerbated civilian fear of them.

4 McAuley said State has not yet received much feedback on its discussion paper setting out options for dealing with security in the camps (your fax 419). The French apparently made no further comment other than that they consider the best option is to ensure that the former Rwandan Government soldiers are rapidly demobilised and reintegrated. The Belgians prefer an expanded UNAMIR with a Chapter VII mandate (McAuley said State considers the chances of getting this are fairly slim). All in all, he said, the options were uniformly bad and the situation was a very grim and difficult one. It was a matter of trying to eliminate those that were unworkable and then "picking the best of a bad lot". At present the US quite genuinely do not have a preference for any one of the options outlined in the paper.

5 In the short term the US is focussing on two steps: encouraging the deployment of a team of logistical experts to assess needs in the camps and look at six sites about 200 kilometres away from the Zaire border, as recommended by Khan (McAuley said he had seen reports from Geneva indicating that the mission is planned for this week, but he was unsure whether it is on the ground yet). Getting the UN engaged in this way is essential, he said. The second goal is to support actively the UNHCR plan to break up larger civilian refugee camps, which are completely unmanageable, into smaller units of 50,000 people.

6 McAuley commented that the issue has been complicated by the reports of Government revenge killings. These reports have damaged (although not irreparably) chances of working with the Rwandan Government to resolve the problem in the longer term.

7 In response to our question on the preferences of Zaire and Tanzania, McAuley said that the Zairean Government has given the strong message that it does not want private security firms providing security services in the camps. He noted that many African countries associate private security firms with mercenaries. (He also commented that State has doubts about this option as it could be difficult to find a security company or group of companies that could adequately deal with the problems in the camps.) He said he thought the indications thus far from the Zairean Government are that it will agree to any one of the other options as long as "it does not involve too much extra-territoriality".

8 The Tanzanian Government has not conveyed any response to the paper as yet. The Tanzanian desk officer (Sprigg) noted that there has been some discussion already between US Embassy officials and the Government. She told us that about

6 weeks ago the Tanzanian Government requested US\$1.2 from the US to pay for additional security in the camps. State has not denied the request but Sprigg said a search for a pot of gold they could tap has been fruitless thus far. The Tanzanians have apparently also approached the Dutch with the same request, and the Dutch (as far as Sprigg was aware) have not yet responded. Sprigg also mentioned that in the past two months she understood that the Tanzanian Government and UNHCR had reached an agreement whereby the UNHCR would pay for 300 more Tanzanian police in the camps (presently, according to Sprigg, there are only 50). She was not entirely sure whether the UNHCR had actually given the money to the Tanzanian Government, although she said cable traffic had given her that impression. It was puzzling to the US that the police had not yet been deployed to the camps. The US Ambassador to Tanzania is to visit the camps next week and State is hoping for a more thorough read-out on the situation.

9 McAuley commented that Deputy Assistant Secretary of the Bureau of African Affairs, Prudence Bushnell, had recently returned from a visit to the camps. State is drafting another non-paper incorporating her ideas and will be circulating it amongst interested Governments and the OAU and UNHCR. McAuley was not sure whether it would be circulated here or to host Governments by US Embassies - we will keep in touch with State and obtain a copy in due course.

End Message

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DECLASSIFIED

Your file: 115/23/37

Our file: 161/1/1/20
Ministry of Foreign Affairs and Trade

18:06 (8188)

700/WSH/00000/00000

\$222.14

FROM:	WASHINGTON	C03422/WSH	26-Sep-1994
TO:	WELLINGTON NEW YORK	WGTN UNSC	Priority Priority
CC:	BEIJING BRUSSELS GENEVA LONDON MOSCOW PARIS TOKYO	BONN CANBERRA HARARE MADRID OTTAWA SANTIAGO	Routine Routine Routine Routine Routine Routine Routine
TO:	Defence		Priority
MFAT	(LGL, UNC, MEA, ISAC, HRU, EUR, DP3, DSP3, EAB)		
P/S MFA			
DEFENCE HQNZDF	(DSIA, OPS, DDI)		
DEFENCE MOD	(GENTLES)		

Subject

U05012: SECURITY COUNCIL: RWANDA: INTERNATIONAL TRIBUNAL

Summary

USG decides to support the NZ proposal for a separate Statute for an International Tribunal for Rwanda.

Action

For information.

Report

3 Further to our recent messages, State Department (Stanton, IO/P) advised us today that at a meeting this morning of the Inter-agency Working Group on War Crimes the decision was taken to support the New Zealand proposal for a separate Statute for the Rwandan Tribunal (rather than continuing to press the US proposal to amend the Yugoslav Tribunal's Statute).

4 Stanton said that the US's demarches in Paris and Moscow had revealed considerable opposition to the American proposal and Washington had concluded it was going to be too difficult to shift them. He explained that the US had settled on our approach as a "satisfactory compromise" between their own position - and that of those who would prefer an entirely separate Tribunal. We asked whether this latter view was in fact that of the French or Russians. He said he thought not: the French and the Russians both were willing to accept an appellate function for the Hague/Yugoslav

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Tribunal and the additional role for Prosecutor Goldstone. State was also under the impression that the Chinese would go along with our proposal.

5 Given that Stanton has recently returned from ten days in Rwanda (with the Commission of Experts) we sought his view on the possibility, as a practical matter, of holding the trials in Kigali. His strong view was that the only place in the region with the infra-structure to hold a major trial was Nairobi. He had, for instance, walked through the Kigali prison last week and described its conditions as "awful". We noted this was the reason we had provided for the Rwandan Tribunal Chamber(s) to meet elsewhere in the region.

6 We sought an update on US thinking about timing for Council action on the Tribunal. He said the US would like the text of a DR and Statute acceptable to the P5 to be ready by the end of the week (ie at the same time as the Commission's interim report comes out).

7 We asked if the US had any amendments it wished to secure in our text. We were referred to Matheson (Deputy Legal Adviser, State). Matheson said he was in the process of working this through. It might be, for instance, that the US would prefer that Article 10 not spell out exactly who performs the Appeals Chamber and Prosecutor functions but that this be specified elsewhere in the text (eg in a definitions section). He undertook to get back to us when State had firmed up its position on this.

End Message

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Ministry of Foreign Affairs and Trade

You file: 115/23/37

Our file: 3/88/1 / /20

20:35 (8210)

700/NYK/00000/00000

\$419.22

FROM:	NEW YORK	C05175/NYK	27-Sep-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (LGL, MEA, UNC, AMER, ISAC, HRU, DSP3, EAB)

DEFENCE HQNZDF (DSIA, OPS, DDI)
DEFENCE MOD (GENTLES)

in

Subject

SECURITY COUNCIL: RWANDA: INTERNATIONAL TRIBUNAL

Washington's U05012.

Summary

- US Mission confirms that Washington is prepared to go with the New Zealand approach to the Rwanda tribunal, subject to some suggested amendments to our draft
- US propose that we and they carry the initiative ahead jointly and preferably as soon as possible

Action

Comments on US amendments, especially as regards the reference to the Geneva Convention and the Protocols and the location of the tribunal

Report

The US Mission confirmed today that Washington was prepared to go with the New Zealand approach of establishing the Rwanda tribunal by separate statute as a means of circumventing the objections raised by the French and the Russians in particular. They told us that they would like our two delegations to work together to carry forward the initiative jointly. To that end they gave us a number of amendments which Washington would like incorporated in the text. They have also suggested a number of changes to their draft resolution to take account of the change in their

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approach. The two sets of suggested amendments are in our accompanying fax (Wellington and Washington only).

2 Most of the amendments (ie those to Articles 10-12 and 15) are matters of drafting. These changes, plus the new Operative para proposed for the resolution would remove the need to make any amendments to the statute of the Yugoslavia tribunal. They do not cause us any problems. There are, however, some legal and political issues to consider with regard to the proposed changes to Articles 2 and 30.

3 On Article 2, the US propose amending the text, which was taken directly from their own proposal, to make an explicit reference to common article 3 of the Geneva Conventions and to Protocol II. They see value in making these more specific references, which highlight the fact that the conflict in Rwanda was a non international armed conflict, since Rwanda as a party to the Conventions and to the Protocol had accepted specific obligations in such circumstances and these obligations were law in Rwanda.

4 Subject to your views, we see no fundamental objection to the US suggestions which reflect the non-international character of the conflict.

5 On Article 30, the US propose that the seat of the tribunal should be in the Hague but that provision should be made for it to meet in "an appropriate location in Africa". We can foresee political problems with that suggestion. Notwithstanding the practical constraints which would make the holding of trials in Kigali very difficult, we expect that African countries will not be happy at the thought that the Tribunal should be set up in Europe. Indeed, the Rwandans themselves told us today that the tribunal had to be in Kigali.

6 We see no point in trying to hammer this out with the Americans. It should be sufficient to include both the Hague and Kigali in brackets in the draft and leave the matter open for wider discussion.

7 As noted in Washington's message, the Americans want to move ahead with the exercise as quickly as possible. They expect the interim report of the Commission of Experts to be available by the end of the week. Since that report will provide an obvious hook for promoting the establishment of the tribunal, they would like to circulate the revised resolution and annex as soon as possible so they can be considered with the report.

End Message

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Ministry of Foreign Affairs and Trade

You. File: 3/88/1

Our file: 701/8/6/1

17:08 (8216)	700/LGL/00000/00000	\$203.63
FROM: WELLINGTON	C28793/WN1	28-Sep-1994
TO: NEW YORK	WGTN UNSC	Immediate
CC: BEIJING	BONN	Routine
BRUSSELS	CANBERRA	Routine
GENEVA	HARARE	Routine
LONDON	MADRID	Routine
MOSCOW	OTTAWA	Routine
PARIS	SANTIAGO	Routine
TOKYO	WASHINGTON	Routine
DEFENCE		Routine

MFAT (LGL, MEA, UNC, AMER, ISAC, HRU, DSP3, EAB)

DEFENCE HQNZDF (DSIA, OPS, DDI)
DEFENCE MOD (GENTLES)

IN

Subject

U59025: RWANDA: INTERNATIONAL TRIBUNAL

Your C05175 and accompanying fax 2642.

2 We have no difficulty with the US proposed amendments to Articles 10-12 and 15 of your draft statute. Indeed, we are attracted to their suggestion to include a new paragraph 2 in Article 12 (with associated amendments to Articles 10-12) as a means of avoiding the need to make subsequent amendments to the Yugoslav statute.

3 Similarly we see no harm in amending the last clause of Article 2(1) as the US propose. Such explicit references to Common Article 3 of the Geneva Conventions and Additional Protocol II are appropriate in the case of Rwanda, and serve to underline the fact that this situation is a non-international armed conflict and to further clarify the different jurisdictional basis as between this situation and Yugoslavia.

4 We agree that the question of the seat of the tribunal is a tricky one. One option at this stage, as you suggest, would be to include both the Hague and Kigali in square brackets. Another possible compromise would be to provide for the Prosecutor and the Appeals Chamber to be based in The Hague (this would be the best approach, it seems to us, if the Prosecutorial staff and Appeals Chamber that are already based in The Hague are also now to undertake functions for Rwanda as well as Yugoslavia) and for the Trials Chambers to be based in and to conduct hearings and trials in Kigali or another appropriate location in Africa or elsewhere as the

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C28793/WN1

/ /20
Ministry of Foreign Affairs and Trade

Page 2

Chambers may consider necessary. You might like to sound the US out on this possibility. If there is any problem with it, we would be happy to go with square brackets for the present given time considerations.

End Message

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DECLASSIFIED 164311

1 /20
Ministry of Foreign Affairs and Trade

Your file: 115/23/37

ACTION

our file: 3/88/1

20:21 (8316)

700/NYK/00000/00000 SECOND \$470.05

FROM: NEW YORK C05219/NYK
TO: WELLINGTON WGTN UNSC
CC: BEIJING BONN
BRUSSELS CANBERRA
GENEVA HARARE
LONDON MADRID
MOSCOW OTTAWA
PARIS SANTIAGO
TOKYO WASHINGTON
DEFENCE

OFFICE M...	
ATTACH 04-Oct-1994	
ATTACHE / MA	
PA	Priority
COMMS / COM	Routine
FINANCE	Routine
PA / CUS	Routine
RECEIPT	Routine
DRIVER	Routine
	Routine
	Routine
	Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1, EAB)

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

W

Subject

SECURITY COUNCIL: RWANDA

Summary

- situation in refugee camps tense with militia increasingly in control;
- problems over land ownership is creating additional fear among refugees.

Action

For information

Report

Secretariat (Gharekhan) briefed the Council on Rwanda at informals today. The most difficult issue remains the refugees in the camps in Zaire and elsewhere. Consultations are continuing between the UN and the Zaire authorities concerning the separation and disarmament of the militia and soldiers in the camps. On 30 September, while the consultations were continuing, Hutu "elements" took control of one of the largest camps (Katale, near Goma). There was violence and resulting casualties. As a result of the ICRC being informed of a "hit list" NGOs left the camp en mass.

2 The situation in the camps remains tense and an investigation is underway concerning rumors that 30 boy

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scouts were executed by the militia. Efforts to investigate this and to deal with the criminal issue are continuing.

3 UNAMIR confirmed that the exiled Hutu leadership of the former regime are seeking a significant role in the government as a pre-condition to national reconciliation. General Bizimungu (the former Chief of Defence) had indicated his readiness to negotiate but that this was conditional on power sharing and the return of Hutu property.

4 In reports from Tanzania there had been 3 days of violence and in the Benaco camp the situation was especially tense. The Tanzanian police had arrested a former Rwandan official and been forced by other refugees to release him after a UN vehicle was mobbed. Two passengers remain missing. Calm was restored by releasing the ex-official. The problem identified by NGOs is that conditions are becoming more difficult for them in light of the increasing control being exercised over the camps by the former Rwandese army soldiers. The real leadership is believed to be underground and aid workers have refused to return to the Katale camp.

5 The Rwandese Prime Minister has asked UNDP to help convene a round table conference for reconstruction. This will possibly be held in New York before the end of the year. At the conference the donor community would be presented with a detailed programme and support would be sought for funding.

6 The Force Commander has reported that the security situation in Rwanda has improved. There are no reports of reprisal killings against returning Hutus. The UN is continuing to investigate the allegations made last week about reprisals. With new troop arrivals UNAMIR hopes to be in a position to increase its coverage, particularly in Kigali and in the south west. The emergency airlift operation, which had at its height 2,592 US troops in the area for this purpose, ended on 30 September. The last of the French contingent had also left on 30 September.

7 Among the Hutu refugees outside Rwanda fear is spreading that their land is being taken over by Tutsi refugees and they were expecting difficulties over this on their return home. A number of internally displaced refugees had decided to return when UNAMIR resumed its operation "Homeward" on 30 September. At present there is an estimated 1.96 million internally displaced persons in Rwanda.

8 We welcomed the continued reports from the secretariat and noted that any recommendations for Council action from the Secretary General would be welcome given on-going concern about the situation.

9 No other delegation commented except Rwanda which proposed that the reports of the secretariat contain

additional analysis such as explicit information identifying those responsible for the problems in the refugee camps. It also noted its belief that additional historical information would be appropriate, mentioning, for example, that after the war in Rwanda (1990) when Tutsi fled, the former government had allowed Hutu to occupy their land which rightly belonged to the original refugees (ie they were only claiming what always belonged to them).

10 Nigeria has convened an informal meeting of Council members for Thursday to hear a presentation from the Rwandan President.

11 SecGen's report is likely to emerge early next week.

End Message

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Ministry of Foreign Affairs and Trade

Your file: 115/23/37

ACTION

Our file: 3/88/1

20:18 (8315)

700/NYK/00000/00000

FROM: NEW YORK

C05218/NYK

TO: WELLINGTON

WGTN UNSC

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON

COUNSELLOR (D)	
COUNSELLOR (VE)	
FIRST SEC (DUS)	
SECOND SEC (DUS)	\$482.80
SECOND SEC (D)	
OFFICE	04-Oct-1994
ATTACHE (PA)	
ATTACHE	Priority
PA	
COMM	Routine
FINAN	Routine
PA (C)	Routine
RECE	Routine
DRIVE	Routine
	Routine
	Routine

MFAT

(LGL, MEA, UNC, ISAC, HRU, EUR, DP3, DSP3, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

SECURITY COUNCIL: RWANDA: ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL

Summary

- Commission of experts recommends the establishment of a tribunal to prosecute persons suspected of genocide and other crimes against international humanitarian law in Rwanda
- While Commission recommends expansion of the mandate of the Yugoslavia tribunal to cover Rwanda, Council members support establishment of a separate tribunal but with a shared prosecutor and appeals chamber as proposed in NZ/US draft
- Presidency has left management of the issue to US/NZ who will be consulting Secretariat and other Council members with a view to adoption of a resolution establishing the tribunal, preferably some time next week

Action

Information

Report

The interim report of the Commission of Experts set up under Res 935 has been circulated informally to Council members. It is expected out as a UN document shortly. Although the report is long (35 pages), it tells us very little we did not

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know some months ago. The main significance of the report lies in its conclusions and recommendations (see accompanying fax - Wellington only). In essence, these are that there were serious breaches of international humanitarian law on both sides and crimes against humanity by individuals on both sides since the fighting broke out in April; that there is overwhelming evidence that systematic preplanned genocide was committed by Hutu elements against Tutsis; and that the Security Council should establish an international tribunal to ensure that individuals responsible are brought to justice. Accordingly the Commission recommends that the statute of the Yugoslav Tribunal should be amended to give that tribunal jurisdiction over crimes in Rwanda.

2 There was a first round of discussion at today's informals on the report and on the draft resolution and statute circulated by the US and New Zealand. The discussion was fairly predictable. The Chinese expressed their standard reservations about using Chapter VII, particularly for the establishment of a tribunal, but also gave sufficient hints to indicate that they will not stand out against such action in any serious way. The Brazilians also expressed doctrinal reservations but they were careful to indicate support for the principal of establishing a tribunal. All other Council members who spoke (NZ, US, France, Spain, Argentina, Nigeria, Russian Federation, Rwanda, Djibouti, Oman and UK) expressed support for the establishment of the tribunal, albeit with various procedural and substantive nuances.

3 A number of members (France, Russia, Spain, Argentina, Nigeria) expressed strong support for the approach in the NZ/US draft of establishing the tribunal by separate statute and not, as recommended by the Commission, simply by extending the jurisdiction of the Yugoslavia Tribunal. The objection to the recommended course ranged from a concern that this could lead to the establishment of an International Criminal Court by increments (France, Spain) to assertions of the importance of a separate African identity for the Rwanda Tribunal (Nigeria, Djibouti).

4 As we expected, a number of African countries, notably Nigeria and Djibouti, insisted that the tribunal had to be based in Africa. Nigeria said it had to be in Rwanda. Djibouti, which has hinted it would quite like the tribunal established in its territory, stressed the need for a neutral location. The Rwandans themselves were the most nuanced. They said they could accept the Court being linked administratively to the Yugoslavia Tribunal in the Hague but hoped that it would meet in Rwanda as well.

5 The French and British stressed the need for assistance to Rwanda to reestablish its domestic legal system in order that it can take on the job of prosecuting the large majority of persons suspected of involvement in the genocide and related crimes, and noted that the tribunal could only hope to deal with the most serious offenders.

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Ministry of Foreign Affairs and Trade / /20

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Page 3

6 The President concluded the discussion by noting that there was a very large common view that the Council should move ahead in the establishment of the tribunal. He said he would leave the matter in the hands of the two cosponsors and urged delegations and the Secretariat to take up the offers that we and the Americans had made to receive and consider all comments on the drafts.

7 We have already had one round of discussions with the Secretariat which, by and large, is supportive of the approach in our draft statute. We are to meet with them again tomorrow. We will arrange for further informal consultations with various Council members with a view to preparing a revised draft statute either later this week or early next week.

End Message

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1 / 20
Ministry of Foreign Affairs and Trade

Your file: 115/23/37

Our file: 3/88/1

20:3 (8362)

700/NYK/00000/00000

\$648.04

FROM:	NEW YORK	C05235/NYK	06-Oct-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1)
(DSP3, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA

Summary

- Rwandan President briefs Security Council members and reaffirms his government's commitment to achieving national reconciliation
- he calls for speedy establishment of the international tribunal, as well as assistance in reestablishing Rwanda's domestic legal structures
- he also calls for expansion of UNAMIR's mandate so it could enter camps and assist with repatriation efforts

Action

For information

Report

2 The President of Rwanda (Pasteur Bizimungu), accompanied by the Foreign and Justice ministers, briefed members of the Council today, prior to his address to the GA. His unequivocal commitment to reconciliation (and the spirit of the Arusha Agreement), justice and to reconstruction was welcomed by Council members. The Government is prepared to act openly, accepting UNAMIR as the international community's witness to it's commitment to these goals, and as reassurance

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to the people that they will be carried out.

3 The three main problems he identified were bringing about coexistence between Rwandans in the wake of recent events, the problem of the refugees, and that of the physical destruction of the country's infrastructure. The international tribunal is seen by the government as crucial to solving all three problems. First it would assist in preventing reprisals and providing access to justice for the victims, secondly it would reassure refugees that they can live in a society which recognises and guarantees fundamental human rights thereby encouraging their return, and thirdly it would assist in strengthening Rwanda's judicial system, (which was already weak before the war).

4 On the question of the tribunal, we asked directly whether it was important for the Rwandese to have the trials in Rwanda, and if so would it realistically be in a position to provide the facilities. The President made it clear that this was very important to them. Having trials in Rwanda would send a psychological message both to the Rwandese people and to others elsewhere that massacres are unacceptable. Having a visible presence in Rwanda would also help break the culture of massacres existing in Rwanda for some time and would have a deterrent effect on their future resumption. The President also emphasised that having the trials in Rwanda would affirm that it is not "outside justice" being applied but Rwandese justice (administered with the assistance of the international community).

5 The Justice Minister added that if it were decided to link the tribunal with the FRY tribunal, Rwanda could accept it retaining it's "well known seat" (in The Hague) but suggested it could become an "itinerant body" which could sit in Kigali. This would enable Rwandese to see for themselves that justice was being done. The magnitude of the trials would also mean that sitting Kigali would be likely to have some logistic efficiencies. The President noted that there are approximately 6000 prisoners currently awaiting trial in Rwanda. This underlined the need for speedy action on establishing the tribunal.

6 The problems of security in the camps, reprisals and property were also explained. As to security in the camps, the President noted that they hoped that a way could be found to separate the militia from the civilians in the refugee camps outside the country and to disarm the former soldiers. In this context, the Government was also encouraging soldiers to return to Rwanda to resume their careers in the military.

7 He also explained that at present the government has no access to the camps so it cannot encourage the refugees to return (or address the problem of the militia). In this respect the Government has asked Burundi, Tanzania and Zaire if it could have access to the camps. The President noted that Burundi had responded positively and agreed to provide

security for the Government to this end. Tanzania and Zaire had yet to respond.

8 In this context the President also called for an extension of UNAMIR's mandate so that it could assist with the repatriation effort. He explained that at present UNAMIR was assisting with transport once refugees reached the border (on their own) but could not actually travel to the camps to expand the assistance. "Some (neighbouring) countries" he said had accepted this urgent need for UNAMIR's presence in their countries, but the implication was that some had not as well.

9 As to the question of reprisals, the Government had established a committee to investigate the recent UNHCR allegations and had asked the UNHCR for evidence supporting the claims the Government was involved in reprisal killings. The President gave unequivocal support to resolving the allegations and to doing whatever was necessary to discourage reprisals amongst the population. He noted however that with up to one million killed, it would be unrealistic to expect no spontaneous reprisals, but emphasised that the Government was doing what it could to train the gendarmes and the local authorities to ensure that secure conditions prevailed in the villages and elsewhere.

10 The President was asked about the problems which have developed in relation to returning refugees occupying property. The Government, he explained, was encouraging the "former refugees" now returning to Rwanda, in many cases after more than 35 years in exile, not to claim their former property. The Government has undertaken to provide them either with government land or other uninhabited land or with compensation. He appealed to the international community for assistance with this initiative.

11 The Government was also making it clear to returning refugees who did not have any legal right to vacant property that they would have to vacate it when the "new refugees" returned. It was also trying to communicate to the "new refugees" in the camps that their property was secure and that it would not be expropriated simply because they had left the country.

12 As to reconstruction, the President explained that the basic infrastructure of Rwanda had been destroyed, including the justice and education systems and water and electricity. The Government does not have even the means to pay its staff. Unfortunately bilateral cooperation had not yet begun because the Government remained under "observation" by other governments. He appealed for the international community's assistance in reconstruction efforts.

13 China, France, US, UK all expressed their willingness to contribute to Rwanda's reconstruction. For our part we mentioned the extraordinary generosity of the New Zealand

people to date, particularly in relation to the refugees who had fled the country, and that we were now looking to see what we might be able to do in our own small way to respond to Rwanda's requests for reconstruction assistance within the country.

14 The President's GA speech was remarkably restrained and covered much of the historical background, horror of the recent events and commitment to reconciliation covered also in the briefing to Council members. Of particular note was an absolute rejection of any role in the broad based government for the political groups (MNRD and CDR) responsible for planning and perpetrating the genocide. He also touched on themes of general interest to UN members such as disarmament, economic development and human rights issues currently before the Assembly.

15 We and the US are convening meetings tomorrow to follow up with Council members our initiative on establishing the tribunal.

End Message

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DB ✓

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Ministry of Foreign Affairs and Trade
our file: 3/88/1

700/NYK/00000/00000

\$622.54

C05243 / NYK

07-Oct-1994

WGTD UNSC

Priority

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON

Routine
Routine
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Routine

IN

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

SECURITY COUNCIL: RWANDA

- Sec Gen reports Zaire agrees to separation in the camps and to improve security but requests financial and logistic support
- A small technical team from UNAMIR has gone to Zaire to join a joint UN/Zaire working group (including UNHCR and UNDP) set up to look at the problem. UNAMIR will report to the Special Rep on progress as soon as possible
- Sec Gen's report notes that Tanzania has agreed to take steps but does not discuss prospects for their success
- Sec Gen also refers to the "difficult process" of deploying UNAMIR and suggests extending the standby forces concept to include equipment (making the same point as in the Minister's General Debate speech)
- Sec Gen endorses idea of international criminal tribunal but leaves modalities to the Council

Report: Separation of Refugees

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2 The Sec Gen's progress report on Rwanda was circulated today (copy in IFF). Some progress is reported on the critical issue of separating the former political leaders, armed soldiers and militia from the rest of the refugees in camps in Zaire and Tanzania. During the Special Reps visit to Zaire (12-14 September), the authorities of Zaire agreed that separation is necessary to provide security for the refugees and to allow them to choose freely to return to Rwanda. But Zaire also indicated they would require "substantial assistance from the international community" to achieve this.

3 The report notes that a UN/Zaire working group has been established to look at the problem in more detail. The group involves UNAMIR, UNHCR and UNDP. UNAMIR is expected to report to the Special Rep after the return of a technical team it has sent to Zaire to join the working group.

4 As to the situation in the camps in Tanzania, the Sec Gen notes that Tanzania is prepared to take action to move unruly elements away from the camps. The report does not however focus on the practical difficulties which they are reportedly encountering (our C05219 refers).

UNAMIR

5 The Sec Gen notes that the deployment of UNAMIR has been a "difficult process", as many contingents needed equipment which the UN was unable to supply. He recalls that back in May he emphasised the need for member states to make arrangements on a bilateral basis to provide the troops with equipment and the necessary airlift. Because this did not occur, there was considerable delay in deploying UNAMIR. This is still "hampering" UNAMIR's efforts to provide security and support humanitarian relief supply.

6 One way to achieve a more rapid response, he suggests, is to extend the concept of the standby forces to include equipment, "whereby a member state would hold equipment on standby at a high state of readiness for deployment on lease terms." This was the same point made by the Minister in his General debate speech.

7 The Sec Gen asks the Council to authorise UNAMIR to pursue its efforts to assist in creating a new civilian police force. This may involve an addition to the mandate.

Rehabilitation

8 The Sec Gen notes that it is vital that the international community provide quick and efficient rehabilitation assistance to Rwanda. In this connection the Special Rep and USG for Humanitarian Affairs have distributed a "Rwanda Emergency Normalization Plan" outlining the areas requiring urgent financial and technical assistance. UNDP has also

begin initial projects to support the capacity-building of the Government. The "first priority", however, remains the resolution of the massive humanitarian crisis, including the problems of the refugees in Zaire and Tanzania.

Reconciliation

9 The Sec Gen concludes that long term peace and stability in Rwanda will require "genuine reconciliation between all elements of Rwandese society". The new government is "urged" to maintain an open dialogue with all other political interest groups, "including former government officials, except individuals who are found, through due process, to have been directly implicated in acts of genocide." The Sec Gen considers that there is a strong case for a "broader approach to the question of national reconciliation and other aspects of the crisis."

Tribunal

10 As we suggested in informals, the report (helpfully) takes the opportunity to endorse the recommendation of the Commission of Experts that individuals be tried before an international criminal tribunal. As to the modalities of this the report merely notes the specific recommendation of the Commission to extend the jurisdiction of the FRY Tribunal. The Sec Gen states that "it is now for the Security Council to decide on the course of action to be adopted."

Comment

11 Obtaining the approval of the Zaire authorities to set up the UN/Zaire working group (including UNAMIR) and permitting UNAMIR to travel to Zaire represents some progress toward establishing a process for addressing the problem of the militia in the refugee camps. It is a little disappointing however that the report does not focus in any detail on the (difficult) issues involved, and what, if anything, the Council might do to assist. We may need to await further reporting from the secretariat on this score.

12 The discussion of this report will be taken up at informals on Tuesday. Grateful for any comments you may have.

Burundi

13 The Sec Gen's report also makes a short reference to Burundi and he refers to the Council's mission there (13-14 August 1994) recalling the recommendation, among other things, that an international conference be convened to look into the problems of the subregion. He states that he will continue to consult all relevant parties with a view to determining how the UN can assist with convening such a conference. At informals today, the Presidency noted that he intended to schedule a discussion of Burundi next week, after

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Ministry of Foreign Affairs and Trade

C05243/NYK

Page 4

the ~~Sec~~ Gen's report emerges.

End Message

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Your file: 3/88/1

Our file: 115/23/37

18:26 (8420)

700/MEA/00000/00000

\$249.91

FROM: WELLINGTON

C07031/WN2

11-Oct-1994

TO: NEW YORK

Immediate

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
DEFENCE

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON
WGTN UNSC

Routine
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Routine
Routine

MFAT

(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1)
(DSP3, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

Subject

U59893: SECURITY COUNCIL: RWANDA

Thanks your C05243 and fax 2713.

2 While a useful overview of the evolving situation and update on the various initiatives under way, we agree Sec-Gen's report offers few specific points for Council action.

3 It is encouraging that emphasis on UNAMIR activities can now be shifted from military, security-related tasks to support of humanitarian operations and facilitating return of refugees.

4 We agree the Joint Zairean/UN Working Group, with UNAMIR participation, is a useful advance towards addressing the problems of political leadership, RGF and militia presence in the camps. We look forward to the findings of the technical team sent from UNAMIR to Zaire.

5 Sec-Gen's recommendation that the Council specifically authorise UNAMIR to continue assisting in creation of a new civilian police force is worthy of support. This would be consistent with UN initiatives elsewhere (Somalia, Haiti) and with UNAMIR's efforts to re-establish a stable, secure environment within Rwanda. Presumably UNAMIR's efforts to date have been covered under the mandate to "contribute to security and protection of displaced persons, refugees and civilians at risk" (SCR 925, op 4(a)). Question

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Ministry of Foreign Affairs and Trade / 120

C07031/WN2

Page 2

ari s whether UNAMIR needs specific authorisation to continue what it has already been doing. Given efforts we have made to get more specific mandates, we feel its objectives in the policing area should preferably be spelt out by adjusting the mandate at an appropriate opportunity.

6 Sec-Gen's other initiatives including the "Rwanda Emergency Normalisation Plan" to support transition from emergency relief to reconstruction/rehabilitation, activities by his Special Humanitarian Envoy (Dillon), his appeal to the Rwandan Government to undertake broader efforts towards national reconciliation, and his consultations on how the UN could assist in convening an international conference for the subregion, are all worthy of endorsement.

7 The report's focus on the internally displaced (paras 48-49) also seems to us a bit light, given that the numbers involved are put at between 800,000 and 2 million (we note that report also does not touch on sensitive issue of land-ownership). It seems to us that there may be scope for greater UNAMIR focus on this task. If the internally displaced can successfully be returned to their areas of origin and resume agricultural production it will do much to provide reassurance to those outside Rwanda about returning, as well as encouraging the rehabilitation process. We would feel more comfortable with UNAMIR concentrating on confidence-building by re-establishing the internally displaced rather than expanding its responsibility for those in refugee camps outside Rwanda.

8 We recognise the scale and seriousness of the refugee problems in Zaire, Tanzania and Burundi and the difficulty of dealing with them satisfactorily without encouraging their permanence. We wonder if there are any lessons that could usefully be drawn from UNBRO's operation and experience in the Cambodian refugee camps in Thailand?

End Message

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Ministry of Foreign Affairs and Trade

Your file: 115/23/37

Our file: 3/88/1

20:39 (8431)

700/NYK/00000/00000

\$724.20

FROM:	NEW YORK	C05257/NYK	11-Oct-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1)
(DSP3, EAB)

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

Subject
SECURITY COUNCIL: RWANDA

Summary

- President circulates draft presidential statement.
- We recommend it:
 - reflect a policy strategy for dealing with Rwanda that would send a clear message to donors to shift focus of assistance from outside to inside Rwanda;
 - encourage government of Rwanda to carry out commitments to national reconciliation;
 - endorse a major political effort concerning the situation in the camps.
- We also suggest consideration be given by Rwanda to a limited form of amnesty.

Action

For comments on draft presidential statement.

Report

2 There was a round-the-table exchange of views on the Sec Gen's progress report on Rwanda at informals today. To

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fol. up the President suggested a presidential statement and has convened a working group tomorrow to discuss their draft (text in our IFF).

Strategy Needed

3 Drawing on the framework set out in our C05084 we suggested that the report, coupled with the proposed presidential statement could go a long way to establishing a strategy for the future situation in Rwanda. We recalled that the long term goals are to have national reconciliation (in the framework of the Arusha Agreements), a final return of the refugees and a completion of the trials of the key instigators of the genocide in Rwanda.

4 In the medium term, we noted that the objective should be the continued presence of UNAMIR as an independent body contributing to security (together with the presence of human rights monitors), reintegration into the army of those members of the former regime not tainted with the massacres, ongoing ODA assistance at levels sufficient to persuade the refugees to return, and the completion of the legal machinery to ensure impartial trials.

5 We noted the short term objectives must be to:

- send a clear message to donors that the focus of assistance would be more useful if shifted away from assistance in the camps in the neighbouring states to assistance inside Rwanda which would encourage refugees to return
- urge the government to continue with its commitment to national reconciliation and to implement power sharing which would be within the framework of the Arusha Agreements
- adopt the statute for the international tribunal without delay
- establish a major political effort addressing the situation in the camps, including as a component of this, convening an international conference concerning the problems of the subregion (para 64 Sec Gen's report refers). The UN could also play a role in coordinating a programme of assistance to the neighbouring states to assist in separating the militia and soldiers from the other refugees in the camps. Ensuring there is an adequate capacity in transport and logistical terms to return the refugees is also crucial (ie through UNAMIR)

6 As a final component of an overall strategy to deal with the problem of Rwanda, we suggested that it is worth Rwanda reflecting on whether there is a role for some limited form of amnesty, given the widespread involvement of ordinary people in the massacres. An amnesty aimed at these people

cou go some way to encouraging refugees to return. This is not to undercut the effectiveness of the tribunal dealing with the militia, army and leaders who planned, incited and carried out genocide.

7 We noted that in this regard, the South African parliament had recently introduced a Bill which would provide a limited amnesty to those perpetrating apartheid and that if victims of apartheid were prepared to consider this, some form of amnesty might be worthy of consideration in the Rwanda reconciliation context. We also noted the number of questions which came up in the working group on the tribunal about the numbers of offenders involved and about the realistic capacity for the proposed tribunal to try all those involved.

Situation in the Camps

8 As regards the political effort needed to address the situation in the camps, the proposal to convene a conference to consider the problems of the sub-region received the support of several delegations (France Czech Republic, US, Pakistan, Brazil, Argentina). Several also supported UNAMIR's efforts to establish a broadcasting capability for transmitting independent factual information to the population (France, Czech Republic, Brazil, Djibouti, Argentina and UK -UK is funding). The UK commented it would be useful to have something in the statement aimed at "clearing the remaining obstacles" to getting the radio broadcasts operational.

9 Separation of the militia and soldiers from the other people in the camps was seen by all as crucial. The US noted that it was looking for "substantive" ideas from the secretariat and that a report from the secretariat on this specific issue would be useful. (Comment: It seems that the secretariat genuinely do not have any specific recommendations to make on this issue yet.)

UNAMIR's Mandate

10 As to UNAMIR's existing mandate, some delegations proposed that it would be appropriate to revisit it. As you know, the Sec Gen's report suggests that the Council may wish to "authorise" UNAMIR to continue with its efforts to train and establish a national police force in Rwanda. The US asked for greater detail about what was involved, particularly as regards resources. Argentina noted that UNAMIR's activities with the police should be considered separately. Spain wished to see an early consideration of UNAMIR's current mandate before it expires (9 December 1994).

11 The UK tell us that while they agree the mandate will need to be looked at (and preferably before December when it expires and Rwanda has the presidency), they do not believe it should be addressed for the time being and at least not

unt) a report has been received from the secretariat as to the separation problem.

Human Rights Monitors

12 As regards human rights monitors, the US noted they would like to see something in the proposed statement about the need to urgently deploy the rest of the 147 monitors approved (only 31 have been deployed so far).

Development Assistance

13 For its part, Rwanda welcomed the report which it believed to be objective. One aspect missing from the report however, was to highlight that the international community is presently assisting those responsible for the massacres in the camps by providing humanitarian assistance to them. It is not providing corresponding assistance to the victims. This required urgent measures.

Tribunal

14 Rwanda and Nigeria both took the opportunity to reiterate the importance attached to having the seat of the tribunal in Rwanda. (Comment: At this stage the NZ/US initiative envisages leaving this issue aside for the moment and for it to be resolved by the Council on the basis of a report of the secretariat in due course although we agree that much of its worth will need to be done in Rwanda.

Draft Statement

15 The draft statement prepared by the UK seems overly dense - smaller paras would assist the understanding of the variety of ideas it contains. It also does not represent a coordinated approach but is rather a series of unrelated points.

16 Except for this general shortcoming, we have no major problems on substance except with the proposal (para 4) that the Council encourage the Government of Rwanda to invite the participation of the MRND in the Government. This goes too far in the context of that party's apparent responsibility for recent events in Rwanda, especially given that we have heard reports of speeches by party officials proposing a policy of killing Tutsis as early as 1992.

17 Another point worth emphasising in the context of refugees is that remaining in exile will not confer immunity for those responsible for massacres.

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End Message

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ACTION

Your file: 115/23/37

Our file: 3/88/1

20: (8444)	700/NYK/00000/00000	\$495.55
FROM: NEW YORK	C05263/NYK	12-Oct-1994
TO: WELLINGTON	WGTN UNSC	Immediate
CC: BEIJING	BONN	Routine
BRUSSELS	CANBERRA	Routine
GENEVA	HARARE	Routine
LONDON	MADRID	Routine
MOSCOW	OTTAWA	Routine
PARIS	SANTIAGO	Routine
TOKYO	WASHINGTON	Routine
DEFENCE		Routine
MFAT	(MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1) (DSP3, EAB)	
P/S MFA		
DEFENCE HQNZDF	(DSIA, OPS, DDI)	
DEFENCE MOD	(GENTLES)	

Subject

SECURITY COUNCIL: RWANDA

Summary

- Good progress on Presidential statement which will be taken up tomorrow in informals
- Adoption scheduled for Friday, together, it is hoped, with the resolution setting up the Tribunal

Action

For confirmation we can support

Report

2 Working group made progress on presidential statement. Revised text follows by fax. It will be taken up at informals tomorrow with a view to adoption on Friday. The President hopes that the resolution and statute setting up the international tribunal will be adopted at the same time. This would ensure a package was adopted which had the maximum political impact.

3 The text largely reflects the issues of concern to us. It is also more readable and takes up our suggestion that it begin with a political message about the important neutral and independent role UNAMIR is playing in Rwanda. You will see that text also incorporates US request for detailed

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information on UNAMIR's efforts to establish a new police force as well as taking up the question of the broadcasting capability. (This latter point was inserted into para 4 (return of refugees) to avoid delegations adding other tasks which they believe it important for UNAMIR to conduct, eg de-mining).

4 Despite the sensitivities about references to human rights monitors, we managed to secure a reference in para 4 to the importance of "their speedy deployment". We also achieved agreement to insertion of a qualification to the call for the Government of Rwanda to continue its efforts to invite members of the MRND in the Government. The text now provides that the Government should invite those members "who were not involved in the massacres" to participate.

5 We were also successful in having a new sentence added to the effect that there can be no escape from prosecution for breaches of international humanitarian law simply by fleeing the country (or remaining outside it). In this context we also proposed that the statement highlight that the Convention on the Status of Refugees does not apply to people in respect of which there is serious reasons to consider that they committed a crime against humanity or a serious non-political crime (Article 1 (F) (a) and (b)).

6 This is an important point given that the humanitarian aid agencies are not presently distinguishing between those in the camps who are legitimate refugees and those who continue to bear arms and in respect of whom there are strong suspicions about their complicity in the massacres. In this regard the Rwandan Ambassador mentioned to us that UN agencies are continuing to employ such people and using them to organise relief to the refugees, as well as renting buses (taken from Rwanda) from them.

7 As to the need to redirect the present assistance given to the camps to internal reconstruction in Rwanda, we also managed to secure a change so that para 8 of the statement endorses the Sec Gen's view about assistance going "in particular" to reconstruction.

Outstanding Issues

8 Tomorrow in informals, we may seek to revisit this last point. Although we encountered inertia on the part of the UK to any explicit reference to a redirection of assistance, they have since indicated to us that we may be right after all, and that what is needed is to ensure that the camps do not, inadvertently, become more comfortable than returning to normal life in Rwanda.

9 Similarly, there was a long discussion in the working group about the issue of separation in the camps. Instead of now "agreeing" that separation is a good idea, the text of the statement merely "notes" the content of the Sec Gen's

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C05263/NYK

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Ministry of Foreign Affairs and Trade

Page 3

report on this issue. Given our point above that the militia and soldiers implicated in the massacres are not refugees within the refugee Conventions, many believe separation is crucial to establishing conditions which will encourage a return of the refugees to Rwanda.

10 Finally it will be necessary to decide which of the two formulae in brackets in para 3 on page 2 will be used. Outcome will depend on where we get to with the Statute. We, the US and the Presidency are still hoping it will also be adopted on Friday. Text of draft resolution and statute are in our separate accompanying fax.

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End Message

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164/1/1

DB H

Your file: 3/88/1

ACTION

our file: 522/s/1

18:35 (8434)

700/MEA/00000/00000

\$231.39

FROM:	WELLINGTON	C29355/WN1	12-Oct-1994
TO:	NEW YORK		Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	WGTN UNSC	DEFENCE	Routine

MFAT (MEA, UNC, ISAC, HRU, LGL, EUR, DP3, DSP1)
(DSP3, EAB)

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

IN

Subject

U60006: SECURITY COUNCIL : RWANDA

Your C05257 and fax 2738.

2 The UK draft is a good start and provides a solid basis for further elaboration in the working group tomorrow. We agree it would benefit from more straightforward wording in parts and a more transparent format.

3 We support in particular the encouragement given to UNAMIR to continue assistance with establishing a new police force (this seems an appropriate way to deal with the Sec-Gen's recommendation in the meantime); the appeal to Zaire and Tanzania on measures to ensure safety in refugee camps and separation; the anticipation of a further report from the Sec-Gen on the findings of the joint Zairean/UN working group; the highlighting of the role of human rights monitors (including their further urgent deployment as proposed by the US); and the emphasis on national reconciliation. We note welcome reference to property rights in context of CBMs and establishment of a more secure environment within Rwanda; we could also go along with reference to assisting an international conference on the problems of the sub-region (especially the refugee situation)

a n d

getting a broadcasting capability operational (para 9).

4 On the references to national reconciliation, we are

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Ministry of Foreign Affairs and Trade / /20

C29355/WN1

Page 2

not sure if we have the same draft statement as you (our version has no para 4). In any event the Sec-Gen's report (para 5) notes the Government is continuing efforts to invite some MRND members to join and (para 63) affirms the principles of the Arusha Accords. It also (para 6) records efforts being made to encourage former RGF members to join the new national army.

5 Point in your para 17 could be picked up through brief reference to the International Tribunal. We agree statement could highlight the need for a quick transition to humanitarian relief and rehabilitation programmes within Rwanda itself (report para 50) and assume you will be making efforts to that end. It could also in our view send a stronger message on the internally displaced and restoration of agricultural production (our U59893).

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End Message

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1 / 120
Ministry of Foreign Affairs and Trade

DB

Your file: 115/23/37

Our file: 3/88/1

21: (8478) 700/NYK/00000/00000 \$406.64

FROM:	NEW YORK	C05270/NYK	13-Oct-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (LGL, MEA, UNC, ISAC, HRU, EUR, DP3, DSP1)
(DSP3, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA

Summary

- Presidential statement finalised and includes a NZ addition about redirection of aid
- Presidential statement will be adopted tomorrow
- Rwanda raises a number of difficulties with the tribunal statute which mean that adoption will be delayed until next week

Action

For information

Report: Presidential Statement

2 the draft presidential statement (our fax 2749) was approved at informals today with an amendment we proposed which makes a more specific reference to the need to redirect assistance away from the camps and toward rehabilitation inside Rwanda. This is the only change in the text. Second sentence of para 8 now reads "It calls on [humanitarian agencies] to maintain their support during the difficult transition period and to begin to redirect their support from relief to rehabilitation and reconstruction."

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3 The statement will be adopted at a formal meeting tomorrow morning.

4 We did not press your suggested amendment because it would have limited the generality of the importance attached to UNAMIR's contribution to security to that provided by means of its facilitation of the resettlement of displaced persons. The contribution, of course, is wider than that. In the time available for consultation we were unable to come up with any alternative that would have met the same objective. Most of our effort had to be directed to dealing with the Rwandan concerns about the tribunal statute (see below).

Tribunal

5 The resolution and statute establishing the tribunal will not be adopted tomorrow in light of the need for Rwanda to obtain instructions on one or two points. Despite President Bizimungu's unequivocal call for the tribunal to be established as soon as possible, we think that it is only now that they may be focussing on what the tribunal really means.

6 This morning the Rwanda delegation raised a number of difficulties with us. Among other things, they indicated that they would like to see the death penalty included in the possible penalties available for offenders. Coupled with this they wished to see an end date specified in respect of the tribunal's jurisdiction (ie the trials would only be in respect of acts committed during the war, the period April to July), and they have difficulties concerning the primacy of the tribunal over national courts.

7 We have had to explain that the concepts in the Rwanda tribunal statute are not particular to Rwanda and that the solutions found in the context of establishing the FRY tribunal are relevant in this context too. We, and the US, are working through the issues with the Rwanda delegation which is awaiting further instructions from Kigali.

End Message

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DB H

/ 20

Ministry of Foreign Affairs and Trade

Your file: 3/88/1

Our file: 522/1/1

21: (8459)

700/MEA/00000/00000

\$185.12

FROM: WELLINGTON

C29441/WN1

13-Oct-1994

TO: NEW YORK

Immediate

CC: BEIJING
BRUSSELS
GENEVA
LONDON
MOSCOW
PARIS
TOKYO
WGTN UNSC

BONN
CANBERRA
HARARE
MADRID
OTTAWA
SANTIAGO
WASHINGTON
DEFENCE

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MFAT

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(DSP3, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)

DEFENCE MOD

(GENTLES)

IN

Subject

U60134: SECURITY COUNCIL: RWANDA

Your C05263 and fax 2749.

2 Thanks for your efforts in the working group. The statement is much improved and more comprehensive.

3 We note there may be scope to return to concerns about the importance of activities concentrating on the internally displaced and the redirection of assistance to creating stability and conditions for rehabilitation inside Rwanda. One place to insert an appropriate reference might be in first sentence of para 4, eg:

"within Rwanda itself. In this regard the Security Council reaffirms the importance of UNAMIR in assisting efforts to facilitate the resettlement of internally displaced persons to enhance the climate of confidence and the establishment of a more secure environment..."

4 We confirm we can support Presidential statement.

5 We note indications that resolution setting up the Tribunal may also be adopted on Friday. If this looks likely, it would be helpful to have our Friday an outline of the supporting eov we assume you would wish to make.

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Page 2

End Message

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1 / 20
Ministry of Foreign Affairs and Trade

164/1/1

Your file: 115/23/37

Our file: 3/88/1

DB

22: (8515)

700/NYK/00000/00000

\$457.47

FROM:	NEW YORK	C05291/NYK	14-Oct-1994
TO:	WELLINGTON	WGTN UNSC	Priority
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (LGL, UNC, ISAC, HRU, MEA, EUR, DP3, DSP3)
(DSP1, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA: INTERNATIONAL TRIBUNAL

Our C05270, paras 5-7.

Summary

- The Rwandans are still grappling with the realities of can be expected of the international tribunal
- We, the Americans and the British have explained in some detail the problems with the Rwandan proposals to amend the statute to give Rwanda greater influence over the tribunal
- They have gone away to think about it, but agreed we could proceed to put the text in blue
- Given the Rwandan hesitations, it is unlikely the resolution will be voted before mid next week

Action

Information

Report

The Rwandans came back with their instructions from Kigali this afternoon. As we had feared, they asked for a large number of changes to the resolution and to the statute which

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would have given Rwanda greater influence over the tribunal. For example, they wanted a Rwandan judge on each of the tribunal's chambers, and wanted to ensure a Rwandan voice in deciding where convicted prisoners should be sent to serve their terms and in deciding whether such persons should ever be paroled.

2 We, the Americans and the British, spent some time with the Rwanda team this afternoon going through their suggestions and explaining to them why some of their proposals would be unacceptable because they threatened the impartiality of the tribunal and/or deviated detrimentally from the precedent set for Yugoslavia. Some of this seemed to register but they were pretty despondent by the time it was all over.

3 One of their main concerns was to ensure that the tribunal has jurisdiction over offences committed in the camps in Tanzania and Burundi. This is an issue which we and the Americans had thought about before and we decided to give them something on this point in an effort to show some responsiveness to their concerns. We have accordingly amended the draft statute by inserting references to offences by Rwandan citizens in the territory of neighbouring states in Articles 1, 7, 8 and 15. Whether this will fly with other Council members remains to be seen.

4 A related concern for the Rwandans was how they could ensure that Rwandan courts could get their hands on persons currently outside the country. They proposed the amendment of Article 28 to require States to cooperate with investigations by and orders from Rwandan national courts as well as the international tribunal. They were dismayed when we explained to them that there would be an uproar in the Council and the Assembly if we suggested the imposition by a Chapter VII resolution of obligations which are the subject of specific treaty commitments.

5 The Rwandans said they would reflect on what we had told them. They agreed, however, that we should proceed to put the resolution and the statute out in blue this weekend so that it will formerly be before Council members on Monday. We made it clear to them, however, that no-one would be pressing for a vote immediately and we undertook to continue our conversations next week.

6 It was obvious from discussions today as well as yesterday that the Rwandans had little idea of what was possible from an international tribunal. They had hoped it would try a large number of their cases. They have come to understand that that is not likely but they then wanted to use the statute as a means of stretching the reach of the Rwandan courts. They now understand, however, that that is also not possible. But by the end of our meeting, some of the team were muttering that they would have to consider if there was any value in continuing with the tribunal at all.

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/ /20
Ministry of Foreign Affairs and Trade

C05291/NYK

Page 3

7 We think it likely that the Rwandans will want to move ahead once they have reflected further. But we will have to move gently in order to ensure that they are fully on board with a Council decision to set up the tribunal. In these circumstances, a vote is most unlikely before the middle of next week at the very earliest.

=

End Message

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~~CONFIDENTIAL~~



Your file: 115/23/37

Our file: 3/88/1

13:	(8517)	700/NYK/...../.....	\$14.10
FROM:	New York	C05294/NYK	15-Oct-1994
TO:	Wellington	Wgtn UNSC	Priority
CC:	Beijing	Bonn	Routine
	Brussels	Canberra	Routine
	Defence	Geneva	Routine
	Harare	Moscow	Routine
	Ottawa	Paris	Routine
	Santiago	Tokyo	Routine
	Washington		Routine

MFAT (LGL, UNC, ISAC, HRU, MEA, EUR, DP3, DSP3)
(DSP1, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA: INTERNATIONAL TRIBUNAL

Reference

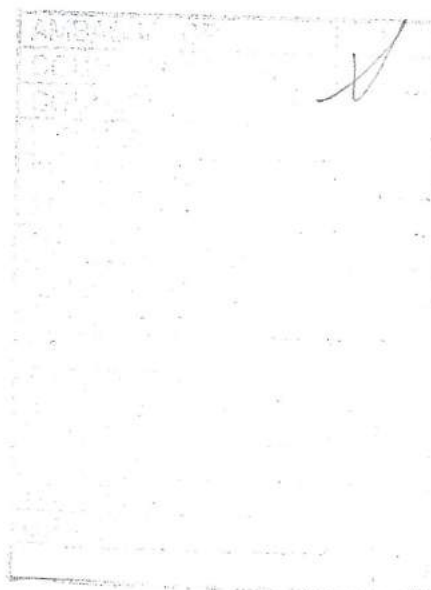
Correction to our C05291

Para 3, line 3 of our C05291 should read as follows:

"...camps in Zaire, Tanzania and Burundi. This is..."

Our apologies.

End Message



~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

164111
DECLASSIFIED

Your file: 115/23/37

Our file: 3/88/1 / 20
Ministry of Foreign Affairs and Trade

22:27 (8657)

700/NYK/00000/00000

\$838.61

FROM:	NEW YORK	C05381/NYK	26-Oct-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (LGL, MEA, UNC, ISAC, HRU, EUR, DP3, DSP3, EAB)

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

IN

Subject

SECURITY COUNCIL: RWANDA: ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL

Our C05291.

Summary

- After several rounds of arduous discussions with the Rwandans, we seem to be close to agreement on the resolution and statute establishing the tribunal
- The price of that agreement has been a number of concessions to Rwandan sensitivities; the most significant of which has been to limit the temporal jurisdiction of the tribunal to the 1994 calendar year
- If the Rwandans confirm they can go along with the latest drafts, and provided other Council members do not make trouble, the resolution and statute might be adopted on Monday, 31 October.
- New Zealand's role in the negotiations has been much appreciated by the Rwandans and has also been recognised by the US as being helpful in reaching a satisfactory outcome

Action

Confirmation that redrafts are acceptable

Report

~~CONFIDENTIAL~~

We, the Americans and the British have had various joint and individual meetings with the Rwandans over the past week and a half in order to try to resolve their concerns over the draft resolution and statute on the establishment of the Rwanda tribunal. The process culminated in two meetings at our Mission today to which the Rwandans brought a lawyer who had just arrived from Kigali for the purpose - the second headquarters person to be flown in for these discussions.

2 Today's meetings were also attended by the French who advised us this morning that they too wished to be cosponsors. Not surprisingly, their presence did not seem to thrill the suspicious Rwandans but it proved helpful since the visiting Rwandan lawyer did not speak English and seemed mollified when his problems were explained away in language and concepts which he felt familiar with.

3 The Rwandan's problems stemmed from two basic concerns: one was a fundamental misunderstanding of the relationship of the tribunal to the Rwandan national court system. The other was a determination that they, the victims of the genocide and the victors in the war, should not themselves be put on trial before the tribunal. This second set of concerns was, naturally, the more difficult to resolve.

Relationship of tribunal to Rwandan courts

4 Even as late as today, the Rwandans seemed to think that the tribunal would be in the nature of a new level in their domestic court structures. This led them to make a number of completely unacceptable proposals such as the one which would require the list of candidates for election to the tribunal to be approved by Rwanda before being submitted to the General Assembly. We had to take a very tough line on that, explaining that it would be unacceptable to every other member State for one country to have veto rights over the composition of an international tribunal.

5 A related concern was over the language of Article 8(2) which establishes the primacy of the tribunal over national courts. This offended their sense of national dignity, especially when they came to realise they could not expect to control the composition or functioning of the tribunal. However, once we got it through to them that this paragraph refers to the national courts of all member States, and made a small adjustment to make that clearer, they were satisfied.

6 Issues of control and national dignity also arose in relation to the seat of the tribunal and the service of prison sentences (Articles 26 & 27). On the seat, we would have been prepared to go a long way to acknowledging that the operating assumption should be that the tribunal should be based in or at least should undertake most of its work in Kigali. The Secretariat are still of the view that this only makes sense given the number of witnesses that will have to

be interviewed and present evidence. The Americans and the British, however, have been very reluctant to concede that point at this stage. We were also conscious that other Council members also have grave reservations at the wisdom of the tribunal operating in Kigali given the intense public interest that there will be in its work. The Argentine Ambassador has particularly strong views on this issue in the light of Argentina's experience of trials of the former regime following the restoration of democracy there.

7 Accordingly the decision on the seat is left for the future but the factors set out in Op 6 of the resolution which will have to be considered now point more strongly in the direction of having some of the tribunal's work being performed in Kigali.

8 The Rwandans also wanted it established that all convicted persons would serve their sentences in Rwanda or, if there was to be the possibility of imprisonment abroad, then Rwanda had to have a say in any decisions on sentencing, particularly in relation to pardons or commutations of sentence. They were especially concerned at the thought that members of the former regime might be sent to serve their time in France and would be able to wangle their way out of jail early. (Given NZ's experiences with Marfart and Prieur, we had some sympathy for this worry.)

9 The cosponsors seem to have satisfied the Rwandans on this point by providing specifically in Article 26 that sentences shall be served in Rwanda or in another country chosen by the Tribunal and by providing a new operative para in the resolution recognising that the Rwanda Government should be notified of decisions on sentencing, pardons and commutations.

Temporal jurisdiction of the tribunal

10 The most important issue for the Rwandans and the most difficult to resolve was the time period to be covered by the tribunal's jurisdiction. At the one end, they were unhappy at the proposal that the jurisdiction commence on 1 January 1994, arguing that much of the planning of the genocide was well in advance of that date. We tried on the idea of going back to 1 October 1993 to meet that concern - but quickly found that encountered strong French opposition. The Rwandans came back today with a proposal that we go back to 1 October 1990 being when the RPF insurgency began. They argued passionately that it would not be understood in Rwanda why the massacres that took place between that date and the beginning of this year would not be covered.

11 This was largely a negotiating tactic, however. Their real concern was to establish an end date for the tribunal's jurisdiction. Their first proposal had been that the end date should be the adoption of the resolution. This proposition caused great unhappiness among the cosponsors,

especially in the light of the recent UNHCR and Amnesty reports about alleged Government killings of returning Hutus. We and the British, however, recognised the Government's concerns at the openended nature of the temporal jurisdiction contained in the text and tried to persuade the US to agree to setting a final date for the jurisdiction in the not too distant future. But the most that Rosenstock, the US Mission lawyer who was particularly exercised on the point, would agree to was a formulation by which the Council would set a date by which it would decide the final limit of jurisdiction.

12 Other members of the US delegation eventually forced Rosenstock to pull back from that position but by then the battle lines had been drawn. Today the Rwandans came in insisting that the end date had to be 16 July - the day the war ended. Anything else would be inconsistent with the facts that they been the victims of the genocide and had been abandoned by the Security Council and had to take their destiny in their own hands. At that point, we felt compelled to intervene forcefully. We noted that New Zealand was involved in this exercise because of its concern for respect for international law and the need to bring justice to the Rwandan people. We could not countenance the tribunal being turned into an instrument of retribution by a victorious faction over its defeated foe. We also noted that the Rwandan proposal undermined the Government's claims that the establishment of the tribunal would be helpful to the process of national reconciliation, and would encourage people to return from the camps outside the country.

13 The issue was put aside for reflection after this morning's exchanges. In the afternoon, the Rwandans made their compromise proposal: the jurisdiction be limited completely to the period of the fighting: 6 April - 16 July. The cosponsors responded with our previously agreed bottom line: 1 January - 31 December. The Rwandans agreed to recommend this back to Kigali.

Timing of adoption

14 With the jurisdiction settled ad referendum the remaining issues were resolved reasonably quickly - mostly by the Rwandans giving up on what had been repeatedly been explained as unacceptable by the cosponsors. Some cosmetic adjustments were made to assuage the Rwandans; eg the highlighting of genocide in the description of the crimes over which the tribunal has jurisdiction, and in the ordering of the articles specifying these crimes.

15 It was agreed that we would submit overnight to the Secretariat a further revision of the texts in the light of today's discussions so that there would be clean versions on the table for tomorrow morning's informal consultations.

16 Manzi agreed that it would be appropriate to explain to

other Council members tomorrow where we have got to. He urged us, however, not to insist on any final decisions tomorrow as he thought it would take time to secure the acceptance of his authorities. Indeed, he was still a little anxious that he might not be able to sell today's outcome to them. Nonetheless, he also agreed that, barring objections from Kigali or from other quarters, it should be possible for the Council to approve the texts in informals on Friday and to adopt the resolution and statute on Monday, 31 October.

Comment

17 We are reasonably satisfied with the outcome and reasonably confident that we are now close to a resolution of this issue. We are not overly happy about the end point for the temporal jurisdiction. But it at least establishes clearly that any serious violations of international law by the Rwandan Government after the end of the fighting and until the end of this year are legitimately the business of the tribunal. In a worst case, the Council could always extend the jurisdiction by amending the statute if events after the end of this year show this to be necessary. Moreover, as today's discussions revealed, we had to give Rwanda something on the point or risk their public opposition to and estrangement from the tribunal. That could have meant the end of the tribunal idea altogether or a public disagreement between Rwanda and the rest of the Council. Either course would have been very damaging for the Council and for the process of ensuring justice and national reconciliation in Rwanda.

18 New Zealand's role in these discussions has been highly appreciated by the Rwandans, particularly their Ambassador here. He has often referred to his difficulties in getting his Government to understand why their proposals were not acceptable to others, and commented on the difficulty of explaining international concepts of governance to people who have been in the bush fighting for the past five years. He has thanked us warmly for our willingness to give him time and to listen. Conversely, when we have had to take a strong line against some of his proposals he was more willing to concede than when he was being opposed by the US or the UK. He trusted us for our objectivity. Not least for these reasons, the Americans also valued our participation in the discussions and were careful to keep us abreast of of their thinking throughout.

End Message

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164/1/1
DECLASSIFIED
Ministry of Foreign Affairs and Trade /20

Your file:

ACTION

Our file: 701/8/6/1

17:54 (8661)	700/LGL/00000/00000	\$194.37
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FROM:	WELLINGTON	C29968/WN1	27-Oct-1994
TO:	NEW YORK	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine
	DEFENCE		Routine

MFAT (LGL, MEA, UNC, ISAC, HRU, EUR, DP3, DSP3, EAB)

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

IN

Subject

U61063: SECURITY COUNCIL: RWANDA: ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL

Your C05381 and fax 2863.

Thanks your efforts over the past weeks in reaching the present point of (hopefully) consensus on the draft statute for the Rwanda tribunal. Given the difficult process of negotiations to date, we would not propose to raise problems with the current draft in any respect. In any event, you have ensured that the precedent of the Yugoslav tribunal statute remains very much intact. We confirm, therefore, that the redrafts of the resolution and statute are acceptable.

2 On temporal jurisdiction, the inclusion of an end-point is certainly a limitation (and different from the Yugoslav tribunal statute). But we agree that it could be justified on the ground that the Rwanda tribunal is primarily concerned with acts of genocide which took place at one particular time, and less with breaches of international humanitarian law in an on-going situation as in the case of the former Yugoslavia.

End Message

~~CONFIDENTIAL~~

ACTION

~~CONFIDENTIAL~~

DECLASSIFIED 764/111
Annex 4 /20
Ministry of Foreign Affairs and Trade

Your file: 115/23/37

Our file: 3/88/1

21:56 (8687) 700/NYK/00000/00000 \$571.71

FROM: NEW YORK C05402/NYK
TO: WELLINGTON WGTN UNSC
CC: BEIJING BONN
BRUSSELS CANBERRA
GENEVA HARARE
LONDON MADRID
MOSCOW OTTAWA
PARIS SANTIAGO
TOKYO WASHINGTON
DEFENCE

28-Oct-1994
Priority
Routine
Routine
Routine
Routine
Routine
Routine
Routine
Routine

MFAT (LGL, MEA, UNC, ISAC, HRU, EUR, DP3, DSP1)
(DSP3, EAB)

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

IN

Subject
SECURITY COUNCIL: RWANDA: ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL

Thanks your U61063.

Summary

- Adoption of Rwanda tribunal resolution postponed following Rwandan President's demand that action be delayed to allow more time for negotiation in order to include in the statute proposals which the cosponsors had already declared to be unacceptable
- We and other cosponsors explain that we cannot accept proposals that would enable Rwanda to exercise influence over the tribunal
- China and Brazil support Rwandan wish for more time; Nigeria and Oman urge Rwanda to reflect further
- The US, UK and France are ready to force a vote on Monday if the Rwandans continue to delay; we advise that we cannot support that action

Action

Comments

Report

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DECLASSIFIED

Ministry of Foreign Affairs and Trade / 20

C05402/NYK

Page 2

Amk) sador Manzi told us yesterday that he had had a very unhappy conversation with his President over the text which emerged from our discussions on Wednesday. However, he hoped that he would be able to persuade the President to accept what was on offer and did not demur when the Presidency proposed at yesterday's informals that the vote be scheduled for this morning. (Monday will be very busy and Hannay was looking to clear the decks.)

2 This morning, however, Manzi advised that he had been instructed by the President to ask for more time so that Rwanda could pursue the ideas which the cosponsors had so far refused to include in the statute. At a meeting with us and the Americans he said he had been told to reopen virtually all of the issues that had been put to rest on Wednesday: in particular, the period of temporal jurisdiction, Rwanda's wish to be consulted on the candidates for election as judges and on the fate of persons sentenced to imprisonment outside Rwanda. We and the Americans both told him that we could not accommodate him.

3 In the subsequent informals, Manzi repeated these points and went on to argue that the statute should be recast so it was not the "Yugoslavia model" but was one specific to the circumstances of Rwanda. He said he needed more time for negotiations. Hannay intervened from the Presidency to note that there was a fundamental misconception at play: there was no "Yugoslavia model"; rather there was a model of an international tribunal which was what the international community would wish to apply to certain crimes irrespective of where they were committed.

4 We followed on in similar vein, noting that what Rwanda was asking was to change the statute so it could exercise control over the tribunal. That could not be accepted. The tribunal was international and had to retain its international character. We said we sympathised with the concerns of a Government which had endured so much this year but urged them to reconsider their position since the negotiations over the past month showed there was little scope for further movement. The US (Gnehm), Spain, UK and Russian Fed spoke in similar vein. France took a slightly different tack: Rwanda could have an international tribunal which followed the international model or it could decide to do everything through its domestic courts with such bilateral assistance as is provided by donor countries. The choice was Rwanda's.

5 China and Brazil, the two countries with doctrinal problems about establishing a tribunal under Chapter VII, said Rwanda's concerns had to be respected and time given. Nigeria, however, argued that while Rwanda should be given a little more time, this should be within an agreed timetable and Gambari urged the Rwandans to be flexible. Oman supported this line noting that notwithstanding its earlier reservations about a tribunal, it was now ready to support

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the resolution without delay.

6 The President summarised the debate by noting that the Council had heard Rwanda's concerns, that the cosponsors and the majority of other Council members had confirmed that they were not in a position to do much more to accommodate Rwanda's requests within the framework of an international tribunal, and that the government of Rwanda needed to consider the high probability that if it maintained its reservations, there would be no tribunal at all. In accordance with a request from the US, he agreed to put the issue on the Council's agenda for informals on Monday morning and to schedule a subsequent formal meeting against the possibility that the resolution and statute could be put to the vote.

7 The Americans have reached a point where they say there is no value in continuing to delay adoption of the resolution. Indeed, they have proposed that if the Rwandans maintain their position on Monday, then the cosponsors should request the matter be put to the vote forthwith. They consider that while Brazil, China and Rwanda may abstain, the rest of the Council would support them. They argue that it is untenable for the Council to be stymied by the Rwandans and that the Rwandans will learn by experience that they will have to cooperate with the tribunal. France, UK and Russia are prepared to support this approach.

8 We have told the Americans that we will not/not agree to a joint move by the sponsors to force a vote on the statute on Monday over Rwanda's objections. We continue to believe that with a little more time and patience it should be possible to get the Rwandans to understand the impossibility of their requests. It may even take an intervention from the SecGen to the President of Rwanda, but persuasion is much better than coercion in the current circumstances.

9 The Americans say in response that if we continue to delay, then there is a danger that we will never reach the point where we are prepared to tell the Rwandans that the time for decision had arrived. They also have a very strong preference for the matter to be resolved under the UK Presidency since they consider that the Rwandans will take it much better to have a decision forced on them under a British Presidency than an American one.

10 We left it with the Americans that we will talk again Monday. The British wanted to know what we would do if the Americans insisted on a vote notwithstanding our reservations. We told them we considered that it would be highly unlikely that there would be sufficient support within the Council to press for a vote on Monday, if Rwanda and one of the original cosponsors continued to argue for a little more time.

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DECLASSIFIED 164111
Ministry of Foreign Affairs and Trade /20

Your le:

ACTION

Our file:

19:34 (8714)

700/WSH/00000/00000

\$217.20

FROM:	WASHINGTON	C03554/WSH	31-Oct-1994
TO:	WELLINGTON	WGTN UNSC	Priority
CC:	NEW YORK	THE HAGUE	Routine
	BEIJING	BRUSSELS	Routine
	BONN	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	OTTAWA	MOSCOW	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	DEFENCE	Routine

MFAT (LGL, MEA, UNC, ISAC, HRU, EUR, AMER, DP3)
(DSP1, DSP3, EAB)

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

IN

Subject

U05226: SECURITY COUNCIL: RWANDA: ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL

Your C30152.

2 State (Stanton, I/O) told us today that they have heard there has been talk in the Secretariat of sending a team of officials from the UN to talk to the Rwandan President about the Tribunal. The US likes the idea and may suggest including Justice Goldstone on any such delegation. It has backed away completely from the position it took last week in the Council as reported in NYK's C05402. Stanton said they had taken a stand in order to convince the Rwandans that it "meant business" - it has since reconsidered and now considers that it would be foolish to push a vote through without Rwandan support. The US now agrees the Rwandans should be given time to "come around", and that Goldstone would be invaluable in encouraging this. The personal link, especially with someone of such stature and power as Goldstone, may be what is needed in this situation, Stanton said. The decision taken in UNSC informals this morning to postpone the vote until next Monday would give the US and others some time to "work on the Rwandans".

3 Stanton said the increasing likelihood of a guerilla war supported by Rwandan Army in Burundi (we shall report separately on his assessment of the situation in Burundi tomorrow) adds to the urgency in getting the Tribunal up and running as soon as possible. While the US is now prepared to

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DECLASSIFIED
Ministry of Foreign Affairs and Trade / /20

C0355 / WSH

Page 2

show a little more patience with the Rwandan President, it is still very keen to get this show on the road.

End Message

~~CONFIDENTIAL~~

ACTION

~~CONFIDENTIAL~~

DECLASSIFIED
Ministry of Foreign Affairs and Trade / 20
3/88/1

Your file:

Our file:

21:43 (8822)

700/NYK/00000/00000

\$753.48

FROM: NEW YORK

C05462/NYK

08-Nov-1994

TO: WELLINGTON

WGTN UNSC

Immediate

CC: BEIJING
BRUSSELS
GENEVA
LONDON
OTTAWA
PARIS
TOKYO
ROME

BONN
CANBERRA
HARARE
MADRID
MOSCOW
SANTIAGO
WASHINGTON
DEFENCE

Routine
Routine
Routine
Routine
Routine
Routine
Routine
Routine

MFAT

(LGL, MEA, UNC, ISAC, HRU, EUR, DP3, DSP1)
(DSP3, EAB)

P/S MFA

DEFENCE HQNZDF

DEFENCE MOD

(DSIA, OPS, DDI)
(GENTLES)

IN

Subject

SECURITY COUNCIL : RWANDA

Summary

- Rwanda votes no and China abstains on tribunal resolution
- Prior to adoption we pushed cosponsors very hard and secured a number of amendments on seat, number of judges and pardons which helped NAM support the text and improved the overall atmosphere in a way that all Council members could claim that a genuine effort had been made to accommodate Rwanda
- France firmly rejected movement on dates but Spain, Argentina and UK supported our efforts
- Rwanda's EOY reiterated support for tribunal while outlining the problems with the resolution, but stopped short of promising cooperation

Action

For information

Report

2 Thanks P/S MFA fax of 8 November. Resolution establishing the tribunal for Rwanda was adopted 13-1-1, with Rwanda voting against and Chinese abstention. Our IFF

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contains text. Rwanda's EOV while squarely setting out why they did not believe the tribunal proposal on the table was sufficient, was not hostile (they had positive words for NZ and US as principal cosponsors) and not necessarily damaging to the prospects of future cooperation between Rwanda and the Tribunal.

Changes to Text

3 At our initiative last minute changes were made as follows: in the resolution to op 6 (seat) and with the addition of a new op 7 (number of judges), and in the statute to Article 27 (pardons). This morning at a meeting of the cosponsors before the NAM/Cosp. pushed very hard saying we were obliged to ensure that all issues on which we felt there could be some movement were explored in an effort to accommodate Rwanda and the other NAM members.

4 Amongst the issues which we said needed to be discussed was the question of the temporal jurisdiction citing the reports of the Commissioner of Human Rights and the Commission of Experts which made it clear that the pattern of genocide had a different magnitude from October 1990 on. France was highly sensitive on this. Although Spain and Argentina supported us, France made it clear they could not accept any change at all to the dates. (At one point UK suggested going back to October 1993 and we knew the US could live with earlier dates.) Cosponsor opposition was made plain to the US which was separately considering shifting its position towards Rwanda's vis a vis the death penalty.

5 In the NAM/Cosponsors meeting which followed, NAM members urged flexibility on part of cosponsors and specifically cited the above areas (including the dates) on which they would like to see some movement if at all possible. NAM acknowledged the impossibility of introducing the death penalty into the statute.

6 After this meeting and as a compromise, cosponsors finally agreed to our proposal that we make whatever changes we could in light of NAM reservations about establishing the tribunal over Rwandese opposition. With cosponsor agreement we accordingly introduced the proposed amendments at informals in the spirit of "conciliation" we said, and "in an effort to address the issues of concern which Corell had reported from his meetings in Kigali". We noted that our efforts were a genuine and serious attempt to deal with Rwanda's problems to the extent they could be dealt with.

7 Our efforts resulted in a more conciliatory tone from Rwanda in its EOV and improved the atmosphere in the Council at the time of the vote notwithstanding Rwanda's sustained "no" vote. The Belgians particularly welcomed our efforts indicating that they believed the changes in the text would make it easier for Rwanda to cooperate in practice with the Tribunal. Belgium is particularly supportive of the

establishment of the tribunal and told us that they will be making a substantial voluntary contribution to its funding.

Rwanda's EOY

8 Rwanda's EOY traversed some of the history to genocide in Rwanda and emphasised that it had appealed to the international community in order to avoid the suspicion of "speedy vengeance" against those suspected of genocide. They also specifically referred to the ability of the tribunal to reach those criminals present outside Rwanda, in neighbouring states, and to the government's commitment to achieving national reconciliation by bringing those responsible to justice.

9 Rwanda listed its specific problems with the tribunal focussing on the question of its temporal jurisdiction. In particular, the earlier "pilot projects" to exterminate whole tribes of Tutsi during 1990 and 1991 were referred to as well as the speeches of the former President Habyarimana and his aides in 1992 outlining the plan for genocide. As regards the structure of the tribunal, Rwanda said it would have preferred a separate appeals chamber and prosecutor.

10 Rwanda noted that the inclusion of Articles 3 (Crimes Against Humanity) and 4 (Common Article 3) meant that there was nothing to stop the tribunal from focussing its "meagre resources" on crimes other than the really serious one of genocide. As regards the judges, in a clear reference to the French, Rwanda said that it was well known that "certain countries" had taken an active part in the civil war and that it was difficult for Rwanda that these countries would now participate in selecting and electing the judges.

11 Rwanda referred to sentencing outside Rwanda and to the inconsistency in penalties (ie death penalty available in national judicial system). Mention was also made to Rwanda's desire to see the seat of the Tribunal located in Rwanda.

12 Rwanda nonetheless emphasised that it "wants and believes" in the tribunal though it believed it would have been possible to establish it in a different way.

US EOY

13 US EOY recalled that the cosponsors had worked hard and persistently to accommodate a number of concerns from Rwanda, noting that "indeed on the death penalty we might even have agreed". The US noted that it was better to establish the tribunal now than wait for an agreement (between the cosponsors and Rwanda) which might never come.

14 They gave explicit support to the establishment of an office in Rwanda and to a "great deal of work being carried out there", while "looking forward to further consultation" on the question of the seat. US also mentioned that it was

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look forward to the appointment of a deputy prosecutor specifically for the tribunal for Rwanda. US noted that they hoped the tribunal would bring to justice offenders "regardless of their position in society".

Funding

14 US touched on the important question of funding noting that there was an urgent need for member states to make voluntary contributions to the tribunal and for the UN to make adequate provision for funding in next years budget. The "challenge" for the UN will be to finance both the FRY and Rwanda tribunals adequately to "get the job done". US noted that Rwanda's national judicial system required rebuilding and pledged its support in this regard while encouraging other member states also to contribute.

Future

15 As we said in our EOv, we expect Rwanda will be judged by its willingness or otherwise to cooperate in practical terms with the UN's efforts to bring to trial the perpetrators of genocide. We strongly urged their cooperation. We do not expect this to be plain sailing, but were encouraged by the comments attributed to Gen Kagame in Kigali reported in today's NY Times to the effect that although Rwanda would vote against the resolution, it would "accept" it (our IFF refers).

16 We are aware of concerns on the part of Zaire and Uganda in respect of the tribunal's jurisdictional reach into their territories. Despite their cosponsorship, there is no comfort in the French position either. They will have the resources to follow the issue through and either contribute to the success of the tribunal or hamper it. In this regard the long term commitment of the US and UK may be crucial.

17 For our part, we have demonstrated a real commitment to securing no less a response to the tragedy in Rwanda than was achieved in respect of similar acts elsewhere and pushed to the limits to secure an outcome which accommodated Rwanda's reasonable requests and could form the basis for future cooperation if that is what they decide.

End Message

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Your file: 3/88/1

ACTION

Our file:

09:24 (8817)

700/LGL/...../.....

\$390.06

FROM: Wellington

C07158/WN2

09-Nov-1994

TO: New York

Immediate

CC: Beijing
Brussels
Defence
Harare
Madrid
Ottawa
Rome
Tokyo
Wgtn UNSC

Bonn
Canberra
Geneva
London
Moscow
Paris
Santiago
Washington

Routine
Routine
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Routine

MFAT

(LGL, MEA, UNC, ISAC, HRU, EUR, DP3, DSP1)
(DSP3, EAB)

P/S MFA

DEFENCE HQNZDF

(DSIA, OPS, DDI)
(GENTLES)

DEFENCE MOD

IN

Subject

SECURITY COUNCIL : RWANDA : INTERNATIONAL TRIBUNAL

Your C05446.

We think that matters have gone too far for the Council now to be considering alternative courses of action. The logic of pressing ahead to adopt the resolution and establish the tribunal for Rwanda is, as you note, now very strong.

2 At an earlier stage, had it been in our calculation that Rwanda might continue to hold out on the statute to the bitter end, we might have been included to suggest reverting to an alternative approach that was canvassed a few months ago of the international community providing legal and judicial assistance to Rwanda and even conducting prosecutions within the Rwandan court system. An international tribunal was only one of the options, and in the early days there were reasons for believing that it may not have been the best solution in Rwanda's case.

3 Much water has of course flowed under the bridge since then. The international community has increasingly come to the view, for a number of reasons, that an international tribunal is required, not least because the new government in Rwanda itself pressed for it. The problems in Rwanda, and on its borders, are too urgent for that momentum to be lost. And more recent developments, in particular the increasing concern about the new government's insistence on retaining

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the death penalty and the indications that it may be more interested in retribution rather than impartial justice (which in turn will complicate efforts at national reconciliation and return of the refugees), suggest that offenders cannot be left to be dealt with within the Rwandan legal system.

4 We are concerned that Rwanda is saying that it will vote against the resolution, rather than abstain on it. There may be a risk that this could pull other countries (China?) to an abstention, when maximum support for the resolution is called for.

At NAM/Co-sponsors meeting tomorrow morning you should work with others to do everything possible to persuade Rwanda to absent itself rather than vote against.

We would have no objection to the Council offering a sweetener to Rwanda, in the form of, say, a call for international judicial and other legal assistance to Rwanda in investigating and prosecuting offences, obviously however not with a view to the imposition of the death penalty in the cases concerned. (We suppose that, whether Rwanda cooperated with the tribunal or not, many offenders were always going to be "tried" within the Rwandan court system given the sheer numbers involved).

5 On EOv, we suggest that you include comments on the efforts made to meet Rwandan concerns over the statute, the importance of the Yugoslav model including in respect of such fundamental issues as the non-application of the death penalty and the independence of the tribunal in carrying out its functions and the importance of the tribunal in punishing genocide and seek to facilitate the return of the refugees. Some points, following from those you have already made informally, are set out below:

- disappointment Rwanda is unable to support the resolution establishing the tribunal;
- genocide an international crime and Genocide Convention demands an international response;
- reasons why death penalty not appropriate;
- role Rwanda itself, as well as international community, have seen tribunal playing in national reconciliation and contributing to climate that will facilitate return of refugees;
- tribunal not a tool for retribution;
- that delay in establishing tribunal is due to concerted efforts by Council and Secretariat to fully discuss and address Rwanda's concerns in way that would enable Rwanda to support;
- appeal for Rwanda Government cooperation;
- tribunal role in investigating and bringing to justice those outside Rwanda;
- responsibility of neighbouring and other countries also to cooperate.

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6 This telegram and accompanying submission are currently with the Minister. Minister's office will respond overnight.

End Message

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