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 FM AMEMBASSY DAR ES SALAAM
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STATE FOR AF/C-FULLER, AF/RA, RP
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 FOR RMA

E.O. 12356: N/A
 TAGS: PREF, PREL, MOPS, PGOV, OAU, RW, TZ
 SUBJECT: ARUSHA PEACE TALKS: PARTIES CONCLUDE
 PROTOCOL ON REFUGEE REPATRIATION AND

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REINTEGRATION OF DISPLACED

THE FOLLOWING REPORT WAS PROVIDED BY THE US OBSERVER AT THE ARUSHA TALKS, JOYCE LEADER.

1. SUMMARY: REFUGEE TALKS CONCLUDED JUNE 7 WITH PRESENTATION OF A PROTOCOL THAT RETAINS THE REGIONAL FRAMEWORK FOR DURABLE SOLUTIONS TO THE RWANDAN REFUGEE PROBLEM. THE TALKS PROCEEDED SMOOTHLY DESPITE RPF INITIAL EFFORTS TO LINK THEM TO OUTSTANDING MILITARY ISSUES AND BOG THEM DOWN OVER DEMANDS ON LAND AND LANGUAGE. NEIGHBORING COUNTRIES, AS WELL AS OTHER OBSERVERS, HAILED THE FINAL RESULTS AND PLEDGED TO SUPPORT THE PROCESS. THE TWO SIDES CALLED FOR REGIONAL HEADS OF STATE TO REAFFIRM THEIR DAR DECLARATION COMMITMENT AT THE PEACE ACCORD SIGNING. END SUMMARY

2. THE FORMAT. NEGOTIATIONS BETWEEN THE GOVERNMENT AND THE RPF ON REFUGEE MATTERS BEGAN JUNE 2 IN PLENARY SESSION AND CONTINUED JUNE 3 IN PLENARY, WITH LIMITED OFFICIAL USE

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STATEMENTS OF POSITION FROM THE TWO PARTIES AND OBSERVERS. FACE TO FACE NEGOTIATIONS BEGAN JUNE 4 AND CONCLUDED WITH THE PRESENTATION OF A FINAL DOCUMENT TO OBSERVERS IN PLENARY JUNE 7. THE CEREMONY FOR SIGNING THE PROTOCOL ON REFUGEE RETURN AND THE REINTEGRATION OF DISPLACED PERSONS WILL PROBABLY TAKE PLACE THE AFTERNOON OF JUNE 8.

3. THE ISSUES: LAND AND LANGUAGE. FACE TO FACE NEGOTIATIONS TURNED ON THE ISSUES OF LAND AND LANGUAGE. THE RPF, AS ANNOUNCED BY DELEGATION HEAD BIZIMUNGU IN A STINGING SPEECH AS THE OPENING PLENARY, ARGUED THAT THE COUNTRY HAS A RESPONSIBILITY TO MAKE AVAILABLE FOR SETTLEMENT OF RETURNING REFUGEES ALL LAND INCLUDING THE NATIONAL PARK. THE RPF DEMANDED THAT ENGLISH BE MADE A NATIONAL LANGUAGE ON GROUNDS THAT FORCING RETURNEES TO WORK IN FRENCH WOULD SUBJECT THEM TO FURTHER DISCRIMINATION.

AFTER HAGGLING FOR A DAY AND A HALF, THE RPF ACCEPTED COMPROMISE FORMULAS ON BOTH ISSUES. THE REPATRIATION IMPLEMENTATION COMMISSION WILL IDENTIFY SETTLEMENT SITES FROM ALL UNOCCUPIED LAND, TAKING ENVIRONMENTAL

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AND ECOLOGICAL FACTORS INTO ACCOUNT. LACK OF KNOWLEDGE OF FRENCH OR KINYARWANDA WILL NOT CONSTITUTE AN OBSTACLE TO RECRUITMENT INTO THE CIVIL SERVICE. INTENSIVE LANGUAGE COURSES AS WELL AS TRANSLATION AND INTERPRETATION SERVICES WILL BE MADE AVAILABLE AS NEEDED FOR THREE YEARS.

ON PROPERTY CLAIMS, THE TWO SIDES APPARENTLY HAD NO LIMITED OFFICIAL USE

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DIFFICULTY RECONCILING THEIR VIEWS. THE GOR ACCEPTED THE RIGHT OF REFUGEES TO PROPERTY THEY LEFT. THE RPF AGREED, HOWEVER, TO JOIN THE GOVERNMENT IN RECOMMENDING AGAINST CLAIMS BY PERSONS ABSENT FROM THE COUNTRY FOR MORE THAN 10 YEARS. IN COMPENSATION, THE GOR IS TO MAKE LAND AND REINSTALLATION ASSISTANCE AVAILABLE. RPF LEADER MAZIMPHAKA CONFIRMED IN HIS INTERVENTION WHAT HE HAD EARLIER TOLD U.S. OBSERVER: RPF POLICY IS TO DISCOURAGE RETURNEES FROM RECLAIMING CONFISCATED ASSETS IN FAVOR OF COMPENSATION.

4. THE FINAL DOCUMENT. THE 12-PAGE "PROTOCOL OF AGREEMENT ON RWANDAN REFUGEES AND REINSTALLATION OF DISPLACED PERSONS" (POUCHED TO AF/C FROM EMBASSY

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DAR), IS ROUGHLY EQUIVALENT IN STRUCTURE AND CONTENT
TO THE DOCUMENT TABLED BY THE GOR AT THE START OF THE
TALKS. THE FEW CHANGES REFLECT RPF CONCERNS
DESCRIBED ABOVE AND SOME IDEAS THE TWO SIDES PICKED
UP IN CONSULTATIONS WITH UNHCR.

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THE PROTOCOL REAFFIRMS THE VOLUNTARY NATURE OF REPATRIATION AND MAINTAINS THE OVERALL FRAMEWORK OF THE 1991 DAR ES SALAAM DECLARATION ON RWANDAN REFUGEES. IT CALLS FOR THE GOVERNMENT TO ESTABLISH A REPATRIATION IMPLEMENTATION COMMISSION COMPRISED OF GOVERNMENT REPRESENTATIVES, UNHCR, OAU AND REFUGEES. TRIPARTITE ACCORDS, BETWEEN THE GOR, COUNTRY OF ASYLUM AND UNHCR, WILL ADDRESS REPATRIATION MODALITIES. UNHCR AND THE OAU ARE ASKED TO ORGANIZE A DONOR'S CONFERENCE. THE PROPOSED TIMETABLE WOULD HAVE THE DONOR CONFERENCE HELD, THE TRIPARTITE ACCORDS CONCLUDED, AND PREPARATION OF REINSTALLATION SITES BEGUN WITHIN SIX MONTHS OF THE FORMATION OF THE LIMITED OFFICIAL USE

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BROAD-BASED GOVERNMENT ORGANIZED AT ANYTIME AFTER THE SIGNING OF THE PEACE ACCORD.

AS EXPECTED, THE PROTOCOL MENTIONS ONLY BRIEFLY THE OPTIONS OF REFUGEES STAYING IN HOST COUNTRIES. IT CALLS FOR THE NEW GOVERNMENT TO CONCLUDE BILATERAL ACCORDS WITH ASYLUM COUNTRIES TO PROTECT THOSE RWANDANS WHO WISH TO STAY AS IMMIGRANTS. IT STATES THAT THESE IMMIGRANTS WILL ENJOY THE SAME RIGHTS AS RWANDAN CITIZENS.

COMMENT: IN HIS INTERVENTION FOLLOWING REPRESENTATION OF THE PROTOCOL, THE GOR FOREIGN MINISTER REFERRED TO THESE AGREEMENTS AS TRIPARTITE, IMPLYING UNHCR PARTICIPATION. END COMMENT.
ON DISPLACED, MEANING FROM THE ZONE OCCUPIED BY THE RPF, THE PROTOCOL CALLS FOR THEIR REINSTALLATION FOLLOWING FORMATION OF THE BROAD-BASED GOVERNMENT, DISENGAGEMENT OF FORCES IN THE COMBAT ZONE, AND DEMINING. TO THE EXTENT POSSIBLE, RETURN OF THE DISPLACED WOULD BE COORDINATED WITH RETURN TO THE SAME AREA OF REFUGEES WHO FLED DURING THE WAR TO UGANDA.

UNHCR, THE OAU AND SOME OBSERVERS HAILED THE DOCUMENT AS "HISTORIC." THE U.S. OBSERVER SAID IT DEMONSTRATED THE ABILITY OF THE TWO SIDES TO REACH REASONABLE SOLUTIONS ON THORNY ISSUES, ARGUING WELL FOR THE IMPLEMENTATION OF THIS AND OTHER PROTOCOLS.

5. UNHCR ROLE. UNHCR HAD TWO OBSERVERS PRESENT FROM

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GENEVA AND THE DAR ES SALAAM REPRESENTATIVE. THEY
PLAYED AN IMPORTANT ROLE AS RESOURCE PERSONS BOTH IN
PLENARY SESSIONS AND IN PRIVATE CONSULTATIONS WITH
THE TWO SIDES. THEIR INPUT WAS VALUABLE IN KEEPING
THE TWO SIDES FOCUSED ON PRINCIPLES RATHER THAN ON
DETAILS THAT MUST AWAIT THE PEACE SETTLEMENT AND
UNHCR'S REPATRIATION CENSUS. UNHCR ALSO DEFLECTED
THE NUMBERS ISSUE, NOTING THAT THE ISSUE FOR
REPATRIATION IS NOT THE TOTAL NUMBER OF REFUGEES, BUT
THE NUMBER WHO REGISTER FOR RETURN. UNHCR IS PLEASED
WITH THE OUTCOME AND AWARE THAT IT WILL HAVE TO MOVE
QUICKLY ONCE A PEACE SETTLEMENT IS SIGNED.

6. ROLE OF NEIGHBORING COUNTRIES. TANZANIA'S
OFFICIAL RESPONSIBLE FOR REFUGEE AFFAIRS, WHO CHAIRED
THE PLENARY SESSIONS, MADE A BRIEF BUT POSITIVE
STATEMENT. HE NOTED THAT NATURALIZATION FEES HAVE

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BEEN DRASTICALLY REDUCED (TO ABOUT USD 7.00), MAKING
THIS A VIABLE OPTION FOR RWANDAN REFUGEES, MOST OF
WHOM APPEAR TO WANT TO STAY IN TANZANIA. HE ALSO
PROPOSED THAT "ILLEGAL" RWANDANS WHO HAD NOT YET BEEN
REPATRIATED BE CONSIDERED REFUGEES.

UGANDA'S OBSERVER, IN A PLENARY COMMENT AS OPPOSED TO
AN OFFICIAL STATEMENT, MADE A SCATHING ATTACK ON THE
GOVERNMENT OF RWANDA FOR "UNJUSTIFIED ALLEGATIONS"
VILIFYING UGANDA AS HAVING A ROLE IN THE WAR. HE
SAID THE GOR WOULD HAVE ONLY ITSELF TO BLAME IF

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UGANDA WERE FORCED INTO A POSITION OF TAKING NEGATIVE STEPS AGAINST REFUGEES WHO STAY. HE SUBSEQUENTLY HAILED THE PROTOCOL AND REAFFIRMED UGANDA'S WILLINGNESS TO ASSIST AND FACILITATE RETURN AND TO CONTINUE TO EXTEND HOSPITALITY TO THOSE WHO PREFER TO REMAIN. HE HAD TOLD U.S. OBSERVER EARLIER THAT NATURALIZATION AND PERMANENT RESIDENCE WOULD PROBABLY BE POSSIBLE.

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AT THE CONCLUDING PLENARY, BURUNDI'S OBSERVER REAFFIRMED GOB SUPPORT FOR A SOLUTION TO THE RWANDAN PROBLEM. HE HAD TOLD U.S. OBSERVER EARLIER THAT NATURALIZATION AND IMMIGRATION WOULD BE AVAILABLE OPTIONS TO RWANDAN REFUGEES WHO CHOSE NOT TO REPATRIATE.

ROLE OF REFUGEE REPRESENTATIVES. UNHCR BROUGHT TO ARUSHA FOR THE REFUGEE TALKS REFUGEE REPRESENTATIVES FROM TANZANIA, BURUNDI, UGANDA, AND KENYA. AT THE OPENING PLENARY, THEIR SPOKESPERSON EMPHASIZED THE IMPORTANCE OF INTERNAL SECURITY AS A PRECONDITION TO REFUGEE RETURN. SIGNIFICANTLY, HE APPEALED TO ASYLUM COUNTRIES TO GIVE REFUGEES TIME TO MAKE REPATRIATION ARRANGEMENTS AND CAUTIONED AGAINST CONFISCATING REFUGEE PROPERTY OR FORCING THEM BACK ONCE A PEACE ACCORD IS SIGNED. LATER, HE EXPRESSED APPRECIATION TO THE TWO SIDES FOR INVOLVING REFUGEES IN THE PLANNING AND IMPLEMENTATION OF REPATRIATION THROUGH THE IMPLEMENTATION COMMISSION.

7. U.S. STATEMENT. THE U.S. OBSERVER MADE A STATEMENT AT THE PLENARY THAT REAFFIRMED U.S. SUPPORT FOR A DURABLE SOLUTION TO THE RWANDAN REFUGEE PROBLEM AND FOR THE REGIONAL FRAMEWORK ESTABLISHED IN THE 1991 DAR DECLARATION. SHE URGED BOTH PARTIES TO UPHOLD THE PRINCIPLE OF VOLUNTARY REPATRIATION, ENCOURAGED COORDINATED PLANNING AND ASSISTANCE, SUGGESTED FLEXIBILITY ON TIMING OF REFUGEE RETURN, AND STRESSED THE IMPORTANCE OF INVOLVING UNHCR. SHE

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URGED THE GOR TO ESTABLISH AN INTERNAL SECURITY
CLIMATE CONDUCIVE TO REFUGEE RETURN AND CALLED ON
NEIGHBORING COUNTRIES TO COOPERATE WITH RWANDA IN
IMPLEMENTING DURABLE SOLUTIONS (TO BE FAXED TO AF/C).

8. REAFFIRMATION OF DAR DECLARATION. AS A CODA TO
HIS READING OF THE PROTOCOL AT THE CONCLUDING
PLENARY, RPF HEAD BIZIMUNGU ASKED THAT THE
FACILITATOR CONVENE AT THE PEACE ACCORD SIGNING A
REGIONAL SUMMIT SO THE HEADS OF STATE COULD REAFFIRM
THE COMMITMENTS THEY HAD MADE IN THE 1991 DAR
DECLARATION TO FACILITATE A DURABLE SOLUTION TO THE
RWANDAN REFUGEE PROBLEM. AT THE SAME TIME HE
PREVAILED ON HOST COUNTRIES TO FACILITATE THE
REPATRIATION PROCESS AS WELL AS THE ACCEPTANCE OF
THOSE WHO WISH TO REMAIN. HE ALSO CALLED ON THE

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INTERNATIONAL COMMUNITY TO SUPPORT IMPLEMENTATION OF
THE REFUGEE PROTOCOL.

COMMENTS: DESPITE BIZIMUNGU'S ATTEMPT IN HIS OPENING
STATEMENT TO LINK REFUGEES RETURN TO SECURITY AND
THUS TO OUTSTANDING MILITARY ISSUES, SECURITY
REMAINED A KEY UNDERLYING CONCERN BUT NOT A MAJOR
TOPIC OF DISCUSSION IN THE REFUGEE TALKS.

ALTHOUGH MENTION OF THE UNDP ROUNDTABLE ON
HUMANITARIAN ASSISTANCE, TARGETED FOR OCTOBER, WAS
DROPPED OUT OF THE PROTOCOL, UNHCR REP TOLD U.S.
OBSERVER UNHCR COULD PROBABLY PRESENT BROAD OUTLINES
OF ITS NEEDS AT THAT TIME. THE CATCH IS THAT UNHCR
WOULD NEED TO KNOW RETURNEE NUMBERS BEFORE IT COULD
SOLICIT FUNDS EVEN FOR SITE PREPARATION.

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THE REFUGEE PROTOCOL IS AN EXCELLENT DOCUMENT THAT
WILL PROVIDE A USEFUL GUIDE TO THE REPATRIATION
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PROCESS. THE BREVITY OF THE TALKS IS DUE IN LARGE
PART TO GOR PARTICIPATION AND TO UNHCR'S ABILITY TO
KEEP THE PARTIES FROM DIGRESSING INTO POLICY DETAILS
THAT CANNOT BE ADDRESSED NOW. END COMMENTS.

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