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ORIGIN AF-01

INFO	LOG-00	AMAD-01	CIAE-00	C-01	OASY-00	DODE-00	DOEE-00
	EUR-01	HA-09	H-01	TEDE-00	INR-00	IO-16	JUSE-00
	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02	OIG-04	OMB-01
	PA-01	PM-00	PRS-01	P-01	SNP-00	SP-00	SS-00
	TRSE-00	T-00	USIE-00	PMB-00	/041R		

DRAFTED BY:AF/C:RAFLATEN:TTD
 APPROVED BY:AF:PBUSHNELL
 AF/C:ARENTER P:BTHOMAS
 AF/C:DRAWSON IO/UNP:SZELLE
 AF/RA:LSHURTLEFF

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P 220738Z APR 94
 FM SECSTATE WASHDC
 TO AMEMBASSY DAR ES SALAAM 8370-71 PRIORITY
 INFO AMEMBASSY ADDIS ABABA 4047-48 PRIORITY
 AMEMBASSY KAMPALA
 AMEMBASSY BONN 3357-58
 AMEMBASSY BUJUMBURA 3141-42
 AMEMBASSY BRUSSELS 4887-88
 AMEMBASSY KINSHASA 9307-08
 AMEMBASSY NAIROBI 1351-52
 AMEMBASSY PARIS 4007-08
 USMISSION USUN NEW YORK 7665-66

C O N F I D E N T I A L STATE 106852

E.O. 12356: DECL: OADR
 TAGS: PREL, MOPS, TZ, RW
 SUBJECT: ARUSHA TALKS 1994

REF: STATE 98062

1. CONFIDENTIAL - ENTIRE TEXT.
2. FOLLOWING GUIDANCE IS FOR USE AS APPROPRIATE BY U.S.
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 OBSERVER COLONEL TONY MARLEY AND AMB. RAWSON DURING THE
 REVIVED ARUSHA TALKS ON RWANDA.

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3. REFTTEL EXPRESSED OUR FIRM VIEW THAT THE ARUSHA PROCESS PROVIDES THE BEST POSSIBILITY OF RESTORING ORDER IN RWANDA. THE ARUSHA AGREEMENT PROVIDES BOTH THE PRINCIPLES FOR AN AGREEMENT AND THE ONLY AGREED FRAMEWORK FOR NEGOTIATIONS BETWEEN THE TWO PARTIES. IT IS OUR FURTHER VIEW THAT THE FACILITATOR AND THE OBSERVERS SHOULD DO EVERYTHING THEY CAN TO RETAIN AS MUCH AS POSSIBLE OF THE AGREED ARUSHA TEXT. THE PARTIES SHOULD BE URGED NOT TO REOPEN ISSUES IN THE AGREEMENT FOR THEIR CONVENIENCE OR POLITICAL ADVANTAGE. THEY SHOULD BE ENCOURAGED TO DISCUSS ONLY THOSE ISSUES WHICH HAVE CLEARLY BEEN FORCED INTO CONSIDERATION BY THE EVENTS SINCE APRIL 6. WITH THIS IN

MIND, WE BELIEVE THE U.S. CAN PLAY A USEFUL ROLE IN ENCOURAGING THE PROCESS IN THE FOLLOWING AREAS:

4. CEASEFIRE - HOPEFULLY THE UN WILL HAVE BROKERED SOME FORM OF LOCAL CEASEFIRE BEFORE THE ARUSHA TALKS GET STARTED. BUT SINCE THE UNAMIR SEEMS TO BE WORKING AT THE MILITARY LEVEL, IT MAY BE NECESSARY TO CONFIRM THE CEASEFIRE AT THE POLITICAL LEVEL AND SEEK TO ASSURE THAT IT IS NATIONWIDE.

5. INVESTIGATIONS - BOTH SIDES WILL WANT AN INVESTIGATION OF THE CRASH - TO PROVE THE OTHER SIDE DID IT. THE PROBLEMS HERE ARE LIKELY TO BE TO DEFINE THE TERMS IN A NEUTRAL MANNER, AND TO FIND AN APPROPRIATE INTERNATIONAL BODY TO DO THE INVESTIGATING. THE RFF IS GOING TO INSIST

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ON ACCOUNTABILITY FOR THOSE RESPONSIBLE FOR THE CARNAGE IN KIGALI. THEY HAVE ALREADY PUBLICLY CALLED FOR THE DISBANDING OF THE PRESIDENTIAL GUARD.

ALTHOUGH WE MAY LACK ADEQUATE EVIDENCE FOR JUDICIAL REVIEW OF THE GUARDS, THE COMMON KNOWLEDGE OF THE NEFARIOUS ROLE OF THE GUARD IS SO PERVERSIVE THAT WE SHOULD SUPPORT THE RPF ON THIS ISSUE. THE INTERM PRESIDENT CAN BE GUARDED BY GENDARMES; AS HAS BEEN THE CASE FOR MINISTERS AND OTHER GOVERNMENT OFFICIALS.

ON THE BROADER QUESTIONS OF ACCOUNTABILITY, THERE ARE INDICATIONS THAT THE RPF HAS PLANS TO TAKE MATTERS INTO ITS OWN HANDS TO QUICKLY EXECUTE LEADERS OF THE PRESIDENTIAL GUARD WHICH IT HAS IDENTIFIED. WE SHOULD

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SEEK TO DISSUADE THE RPF FROM UNILATERAL "JUSTICE" WHICH WOULD ONLY PROVOKE ADDITIONAL OUTRAGES AGAINST TUTSIS IN THE AREAS STILL UNDER ARMY CONTROL. WE SHOULD SUPPORT THE CONCEPT OF AN INTERNATIONAL INVESTIGATION AND AN INTERNATIONAL TRIBUNAL. OUR EXPECTATION WOULD BE THAT RELATIVELY SMALL NUMBERS OF RESPONSIBLE OFFICIALS MIGHT BE IDENTIFIED; EVERY EFFORT SHOULD BE MADE TO AVOID THE IMPRESSION OF RETRIBUTION. THEREFORE THE DOCUMENT CREATING THE INVESTIGATING BODY SHOULD MAKE A REFERENCE TO INVESTIGATING EXCESSES BY ALL PARTIES. THE RPF WILL RESIST, WITH THEIR TYPICAL RIGHTEOUS DENIALS, BUT MAY AGREE TO SOME FORMULA IF CONVINCED THAT OUR OBJECTIVE IS TO AVOID THE IMPRESSION OF RETRIBUTION WHICH COULD LEAD TO EVEN MORE VIOLENCE FROM THE OTHER SIDE.

6. POLITICAL INSTITUTIONS - OBVIOUSLY THIS IS THE CRUX OF
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THE MATTER. THE RPF IS GOING TO INSIST ON CHANGING PARTS OF THE ARUSHA AGREEMENT RELATING TO THE POWER SHARING

FORMULAS, AS A RESULT OF EXECUTIONS OF KEY OPPOSITION POLITICIANS AND THE SPLITS IN THE MDR AND FL PARTIES. THIS DEBATE WENT ON FOR MONTHS IN KIGALI, BUT WAS NEARLY RESOLVED TWICE BEFORE THE APRIL 6 TRAGEDY. OUR OBJECTIVE SHOULD BE TO GET BACK AS CLOSE TO THE NEARLY AGREED FORMULA AS QUICKLY AS POSSIBLE.

IT WON'T BE EASY. IT COULD BE ARGUED THAT THE POLITICAL PARTIES IDENTIFIED IN THE ARUSHA AGREEMENT NO LONGER EXIST. IF SO, THE AGREEMENT WOULD HAVE NO FURTHER UTILITY, AND THE WHOLE PROCESS WOULD HAVE TO GO BACK TO SQUARE ONE. WE BELIEVE THAT IS AN UNACCEPTABLE POSITION, AND WE THEREFORE MUST RETAIN THE PARTY STRUCTURE OF THE ARUSHA AGREEMENT, HOWEVER TENUOUS. EACH PARTY SHOULD BE ASKED TO TRY TO RECONSTITUTE ITSELF IDEOLOGICALLY AND ETHNICALLY ALONG THE LINES OF ITS COMPOSITIONS ON APRIL 5, REPLACING DECEASED LEADERS WITH PERSON OF SIMILAR PERSUASION.

IF THE ARUSHA AGREEMENT, INCLUDING THE COMPOSITION OF THE GOVERNMENT, CANNOT BE QUICKLY AGREED, A FALL BACK WOULD BE TO SEEK INITIAL AGREEMENT ON THE NATIONAL ASSEMBLY LIST. WE BELIEVE THAT MORE OF THE DEPUTIES-DESIGNATE ARE STILL ALIVE THAN MINISTERS, AND THAT IT MAY BE EASIER TO AGREE ON REPLACEMENT FOR THE DECEASED DEPUTIES THAN FOR

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MINISTERIAL NOMINEES. IF THERE COULD BE PROMPT AGREEMENT ON THE NEW ASSEMBLY, WHILE UNAMIR IS STILL IN THE COUNTRY, THE NEGOTIATION ON THE CABINET COULD BE MOVED TO KIGALI

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WHERE THE ASSEMBLY WOULD HAVE THE RESPONSIBILITY FOR PUTTING TOGETHER THE GOVERNMENT. IN OTHER WORDS, THE ASSEMBLY WOULD BECOME THE RESPONSIBLE INSTITUTION UNTIL IT INSTALLS A GOVERNMENT. AS SUCH IT MIGHT BE MORE ABLE TO DEAL WITH THE HARD DECISIONS ON CABINET POSTS THAN NEGOTIATING TEAMS IN ARUSHA.

7. THE PRESIDENCY - SO FAR WHAT WE HEAR IS THAT THE RPF HAS REJECTED THE INTERIM PRESIDENT. WE HAVE NOT HEARD HOW THE RPF WOULD PROPOSE TO REPLACE HIM. HE IS THE LEGAL SUCCESSOR TO HABYARIMANA UNDER THE OLD CONSTITUTION, AND ARUSHA ASSIGNS THE PRESIDENCY TO THE MRND. THE RPF SHOULD BE URGED TO CONSIDER CAREFULLY WHETHER THEY WANT THE MRND TO APPOINT SOMEONE ELSE. IT COULD WELL BE THAT THE MRND WOULD ELECT SOMEONE TOTALLY UNACCEPTABLE. SINDIKUBWABO COULD START TO LOOK LIKE A MODERATE. EVEN ON HIS OWN MERITS, IT IS PROBABLY NOT WORTH IT FOR THE RPF TO MAKE A BIG ISSUE OUT OF THE INTERIM PRESIDENT. HE IS 71 YEARS OLD AND NOT VERY ACTIVE, HE IS FROM BUTARE, NOT THE HEARTLAND OF THE HARDLINERS, AND PRESUMABLY CAN BE

INFLUENCED BY OTHERS FROM THE SOUTH. HE HAS BEEN A CONSISTENT PUBLIC SUPPORTER OF DEMOCRACY. YES HE WAS LOYAL TO HABYARIMANA, AND HE MAY STILL BE INFLUENCED BY THE PRESIDENTIAL GUARD, BUT THERE IS ALSO A GOOD CHANCE THAT HE CAN BE INFLUENCED BY MODERATES, AND HE SEEMS SUBJECT TO INFLUENCE BY WESTERN DIPLOMATS. ONE FURTHER OBSERVATION ON SINDIKUBWABO: WHEN THE CND WAS IN SESSION, HE SCRUPULOUSLY OBSERVED PROCEDURES OF THE ASSEMBLY EVEN AS DEPUTIES BEGAN TO DEFECT FROM HIS MRND PARTY.

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8. ADDRESSEES MAY SHARE THESE VIEWS WITH OTHER OBSERVERS AND THEIR BACKSTOPPER IN CAPITALS IN THE HOPES OF CREATING A CONSENSUS AMONG OBSERVERS AND THE FACILITATOR ON HOW TO MOVE THE PROCESS BACK FROM THE BATTLEFIELD TO THE

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ARGAINING TABLE.

9. BUJUMBURA MINIMIZED CONSIDERED.

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