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	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01
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C O N F I D E N T I A L STATE 081773

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, UG, RW
SUBJECT: DEMARCHE REQUEST ON CDR PARTICIPATION IN RWANDAN
TRANSITIONAL NATIONAL ASSEMBLY

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REF: A) KIGALI 01319 B) KIGALI 01335

1. CONFIDENTIAL - ENTIRE TEXT.

2. AS REPORTED IN REFTELS, THE MAIN OBSTACLE TO
INSTALLATION OF THE TRANSITION INSTITUTIONS IN RWANDA NOW
SEEMS TO BE THE ISSUE OF PARTICIPATION IN THE NATIONAL
ASSEMBLY OF THE SMALL (HUTU EXTREMIST) CDR PARTY. THE RPF
CONSIDERS THE PARTY TO BE RESPONSIBLE FOR MUCH OF THE
ETHNIC VIOLENCE IN RWANDA AND HAS TAKEN THE POSITION THAT

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THE CDR HAS NOT SHOWN THE NECESSARY COMMITMENT TO THE PEACE PROCESS WHICH THE RPF VIEWS AS A PREREQUISITE TO THE CDR'S PARTICIPATION IN THE TRANSITION ASSEMBLY. THE UN SPECIAL ENVOY AND THE ARUSHA OBSERVERS, INCLUDING THE U.S., TAKE THE POSITION THAT THE CDR SHOULD BE ALLOWED TO TAKE ITS ONE SEAT IN THE (SEVENTY-MEMBER) ASSEMBLY SINCE THE ARUSHA POWER-SHARING PROTOCOL (ART. 61) PROVIDES THAT ALL PARTIES REGISTERED AT THE SIGNING OF THE PROTOCOL ARE TO BE REPRESENTED IN THE TRANSITIONAL NATIONAL ASSEMBLY

PROVIDED THEY SIGN A CODE OF ETHICS. THE CDR HAS SIGNED THE CODE OF ETHICS (OR AT LEAST THE COPIES THAT IT HAS BEEN GIVEN ACCESS TO) AND HAS PUBLICLY COMMITTED ITSELF TO SUPPORT THE ARUSHA PROCESS. HOWEVER, THE RPF AND A FEW POLITICAL PARTIES HAVE REFUSED TO ALLOW THE CDR TO SIGN THEIR COPIES OF THE CODE.

3. WE HAVE MADE OUR POSITION KNOWN TO THE RPF IN BOTH KIGALI AND WASHINGTON. DEPARTMENT REQUESTS POST TO DEMARCHE PRESIDENT MUSEVENI AT THE EARLIEST OPPORTUNITY TO
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REITERATE OUR POSITION SO THAT HE CAN MAKE THE APPROPRIATE INTERVENTION WITH HIS CONTACTS IN THE RPF LEADERSHIP.
POST MAY DRAW ON THE FOLLOWING POINTS:

-- THE UNITED STATES IS CONCERNED ABOUT THE CONTINUING DELAY IN ESTABLISHING TRANSITION INSTITUTIONS IN RWANDA.

-- THE LONGER THE IMPASSE DRAGS ON THE GREATER THE RISK OF RENEWED VIOLENCE, OR EVEN A RETURN TO HOSTILITIES.

-- THE ISSUE OF THE CDR SHOULD NOT BE ALLOWED TO HOLD THE WHOLE COUNTRY HOSTAGE TO CONTINUED POLITICAL IMPASSE.

-- THE CDR PUBLICLY COMMITTED ITSELF TO SUPPORT THE ARUSHA PROCESS IN A RECENT LETTER TO THE RWANDAN PRIME MINISTER.

-- BY DENYING THE CDR THE RIGHT TO SIGN THE CODE OF ETHICS, THE RPF IS VIOLATING THE ARUSHA AGREEMENT, WHICH PROVIDES THAT EACH PARTY REGISTERED IN RWANDA SHALL BE REPRESENTED IN THE NATIONAL ASSEMBLY (ART. 61). THE SIGNING OF THE CODE (ART. 80) IS EVIDENCE OF THEIR COMMITMENT TO ABIDE BY THE PEACE AGREEMENT.

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-- THE RPF POSITION ALSO CONTRADICTS THE ARUSHA SPIRIT OF NATIONAL RECONCILIATION.

-- WE BELIEVE THAT THE PRINCIPLE OF INCLUSION RATHER THAN EXCLUSION IS CRITICAL TO ESTABLISHING A STABLE PEACE.

-- IF THE CDR FAILS TO LIVE UP TO ITS CODE OF ETHICS
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COMMITMENT, THE ACCORD PROVIDES FOR SANCTIONS. CDR SHOULD BE GIVEN THE CHANCE TO PROVE ITS WORTH WITHIN THE NATIONAL ASSEMBLY, NOT OUTSIDE OF IT.

(NOTE. ARTICLE 82 PROVIDES THAT ANY POLITICAL FORCE THAT VIOLATES THE CODE OF ETHICS IS LIABLE TO EXCLUSION FROM THE TRANSITION INSTITUTIONS. THE PROCEDURE FOR EXCLUSION IS PRESCRIBED. END NOTE.)

-- THIS IS THE ONLY REAL ISSUE REMAINING. IT'S A QUESTION OF ONLY ONE SEAT IN A 70-MEMBER ASSEMBLY. AFTER WEEKS OF NEGOTIATIONS AND WITH UNAMIR'S MANDATE ABOUT TO EXPIRE (ON APRIL 5), THE RPF SHOULD NOT LET A DISPUTE OVER ONE SEAT HOLD UP THE INSTALLATION OF THE TRANSITION INSTITUTIONS.

-- FOR THE SECURITY OF RWANDA AND THE WHOLE SUBREGION WE ASK YOU TO INTERVENE WITH YOUR CONTACTS IN THE RPF TO TRY TO PERSUADE THEM OF NEED TO ALLOW THE CDR TO TAKE ITS SEAT SO THE TRANSITION CAN GET UNDERWAY AND THE ARUSHA ACCORDS CAN BE FULLY IMPLEMENTED. CHRISTOPHER

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