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NEW ZEALAND MISSION TO THE UNITED NATIONS, NEW YORK
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Date: 6 June 1994

TO: WELLINGTON No. 2741
WGTV UNSC No.
* DEFENCE No.

PRECEDENCE: IMMEDIATE
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LD: SFAT (MEA, UNC, LGL, HRU, EUR, DP3, DSP3, EAB)
DEFENCE HQNZDF (DSIA, OPS, DDI)
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Page 1 of: 8

Open to UNSC, MEA, UNC, LGL, HRU, EUR, DP3

SECURITY COUNCIL: RWANDA

Our accompanying message refers.

2 Following are:

- (a) US draft resolution on Rwanda;
- (b) Our comments thereon which we have forwarded to the US Mission.

* Coms -
Please pass to
Defence.

2/8

June 6, 1994, 12:30 pm

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 918 (1994) of 17 May 1994 which expanded the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and authorized an expansion in UNAMIR's force level,

Recalling the statement made by the President of the Council on 3 May 1994 (S/PRST/1994/22) which dealt with improving the capacity of the United Nations for peace-keeping, and bearing in mind the factors enumerated therein,

Having considered the report of the Secretary-General dated 31 May 1994 (S/1994/640),

Noting with concern that, to date, the parties have not ceased hostilities, agreed to a cease-fire, or brought an end to the violence and carnage engulfing Rwanda,

F Reiterating its condemnation of the systematic killing of thousands of civilians in Rwanda,

F Expressing its outrage that the perpetrators of these killings have been able to operate and continue operating within Rwanda with impunity,

G Underscoring that the internal displacement of some 1.5 million Rwandans facing starvation and disease and the massive exodus of refugees to neighboring countries constitute a humanitarian crisis of enormous proportions,

Recalling in this context that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law,

Stressing the importance of the Arusha Peace Agreement to the peaceful resolution of the conflict in Rwanda and the necessity for all parties to recommit themselves to its full implementation.

Commending the efforts of neighboring countries for the hospitality they have shown to refugees fleeing Rwanda,

Commending also those countries which have made emergency aid available to help alleviate the suffering of the Rwandan people and those countries which have contributed troops and logistical support to UNAMIR, and reiterating the urgent need for coordinated international action to continue such efforts and to help restore peace in Rwanda,

Rwanda

3/8

Welcoming the cooperation between the United Nations and the Organization of African Unity (OAU) as well as with countries of the region, especially the facilitator of the Arusha peace process,

Welcoming the visit of the United Nations High Commissioner for Human Rights to Rwanda and to the region;

Welcoming also resolution S-3/1 of May 23 adopted by the United Nations Commission on Human Rights sitting in special session, which requested the appointment of a Special Rapporteur to investigate the human rights situation in Rwanda and called for the Special Rapporteur, assisted by a team of human rights field officers, to act in close cooperation with UNAMIR and other United Nations agencies and programmes operating in Rwanda;

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

Stressing that the people of Rwanda bear the primary responsibility for national reconciliation and reconstruction of their country,

1. Endorses the Secretary-General's proposal, contained in paragraphs 19-26 of his report of 31 May 1994 (S/1994/640), to deploy the first and second phases of UNAMIR in close synchronization;

2. Decides to extend the mandate of UNAMIR until 6 December 1994, with the proviso that the Secretary-General will submit a report by 8 August for Security Council review of the progress of UNAMIR's military mission, progress toward a cease-fire and political reconciliation, the safety of those populations at risk, and the humanitarian situation;

3. Requests the Secretary-General to report also on various developments as detailed in paragraph 2 of this resolution in good time before the expiration of UNAMIR's current mandate;

4. Decides that, in light of paragraph 3 of resolution 918 (1994) and paragraph 18 of the Secretary-General's report of 31 May 1994, and within the limits of available resources, the mandate of the military component of UNAMIR will be:

(a) to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; and

(b) to provide security and support for the distribution of relief supplies and humanitarian relief operations;

5. Reaffirms the continuing mandate of the political component of UNAMIR to act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire;

4/8

6. Welcomes the assurances of both parties to cooperate with UNAMIR in carrying out its mandate, recognizes that those assurances are essential to the mandate's implementation, and demands that both parties adhere to those assurances;

7. Reaffirms that, consistent with paragraph 4 of resolution 918 (1994), UNAMIR may be required to take action in self-defence including resisting attempts by forceful means to prevent it from discharging duties such as contributing to the security of displaced persons, refugees and civilians in protected sites, United Nations and other humanitarian personnel and helping protect the means of delivery and distribution of humanitarian relief, and thus be adequately equipped and provided the rules of engagement to do so;

English 11/2/94

8. Notes that there is no intention to have UNAMIR assume the role of a buffer force between the two parties, or to take military action to compel the two parties to end their fighting;

9. Affirms the Council's expectation that, following the withdrawal of the United Nations military component, the international community will maintain its commitment to assist the Rwandan people through the work of the United Nations agencies, non-governmental organizations and other entities, and notes further that UNAMIR's expanded military component will remain in Rwanda only as long as it is needed to provide basic security to populations at risk and security for the delivery of humanitarian relief to them in Rwanda;

10. Demands that all parties to the conflict cease hostilities, agree to a cease-fire and immediately take steps to bring an end to systematic killings in areas under their control;

11. Demands further that all parties cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred;

12. Reaffirms the obligation of all States to implement fully the provisions of paragraph 13 of resolution 918 (1994) on the sale to Rwanda of arms related material;

13. Urges Member States to respond promptly to the Secretary-General's request for resources, including logistical support capability for rapid deployment of additional UNAMIR forces;

effect on mandate

14. Requests UNAMIR to facilitate, where possible, the activities of the Special Rapporteur and the team of human rights field officers requested by the United Nations Commission on Human Rights and the Special Rapporteur of the Commission in the furtherance of their mandates and to enlist the cooperation of the parties to the conflict with the Special Rapporteur and human rights field officers;

5/8

15. Requests also that UNAMIR designate an officer to serve as liaison with the High Commissioner for Human Rights for the purpose of ensuring coordination between UNAMIR and the High Commissioner and the Special Rapporteur for Rwanda established by the Commission on Human Rights, including the sharing of information from governments, individuals, intergovernmental and non-governmental organizations, and UNAMIR itself, on possible violations of human rights and breaches of international humanitarian law;

16. Demands that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda, and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

17. Decides that UNAMIR and other United Nations personnel shall under no circumstances be detained while performing their mandate in Rwanda, and decides further that if such persons should be detained, they shall be released immediately, and that while in the custody of any party to the conflict such persons shall be provided all protections equivalent to those contained in the Geneva Convention related to the treatment of prisoners of war, pending their immediate release and repatriation to United Nations authorities;

18. Commends the efforts of States, United Nations agencies, international organizations and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

19. Commends the tireless efforts of the UNAMIR Force Commander to prevent more innocent lives from being lost, and to bring about a cease-fire between the parties;

20. Invites the Secretary-General and his Special Representative, in coordination with the OAU and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement and urges the parties to intensify their efforts for political reconciliation;

21. Decides to remain actively seized of the matter.

N2 COMMENTS

In general terms, the draft is a good one and certainly goes in the direction we had envisaged. There are, however, some areas where we have problems.

PPB For obvious reasons, we attach a great deal of importance to the Presidential statement of 3 May, but we do not think it is particularly relevant here. As has repeatedly been said in the Council, UNAMIR is at the moment a humanitarian relief operation, not a peacekeeping operation. The inclusion of this para in this resolution would be particularly curious since we did not refer to it in Res 923 on UNOSOM II. We believe that the para should be deleted.

PPS E & G: These paras should be brought together and supplemented by reference to the Secretary-General's comments on genocide. We consider it would be a major blow to the Council's credibility were it to continue to duck the issue. We suggest the following amendments:

(a) After PPE, add new PPE Bis:

"Noting the statement in the Secretary-General's report that on the basis of the evidence that has emerged about the magnitude of the human calamity that has engulfed Rwanda, '...there can be little doubt that it constitutes genocide, since there has been large-scale killings of communities and families belonging to a particular ethnic group.';"

(b) Relocate PPG as PPE Ter.

OP1 As you may know, we are particularly allergic to stating a Mission's task by reference to paragraph numbers in the Secretary-General's report. In the current case, we think that the point would be covered by the following:

"Welcomes the Secretary-General's report of 31 May 1994 (S/1994/640) and endorses the proposals contained therein for the deployment of the expanded UNAMIR;"

OPs 2-7: We think there are too many thoughts contained in OP2, and, in any event, it is incorrect, linguistically and as a matter of Council procedure, to suggest that the mandate can be conditioned by a "proviso" that the Secretary-General will submit a report. We think OP 3 is unnecessary. We are uncomfortable with the way the mandate of UNAMIR from Res 912 and 918 are restated in OPs 4 & 5, and that it is inadvisable to institute a differentiation between the political and military components of UNAMIR.

On OP 6, it is basic to the Secretary-General's approach that the consent of the parties is very important to the successful discharge of the mandate. He stops short, however, of saying that consent or cooperation are preconditions to the operation. On OP 7, you will recall that we fought for a stronger statement on this issue at the time of Res 918, but had to settle for what was in Op 4 of that resolution. Given that history, we think it would be better simply to repeat that para, and for it to follow the mandate para.

Accordingly, we suggest that OPS2-7 be replaced by the following:

- OP2 "Decides to extend the mandate of UNAMIR until 9 December 1994;"
- OP3 "Reaffirms that the consolidated mandate of UNAMIR includes the following:
- (a) To contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;
 - (b) To provide security and support for the distribution of relief supplies and humanitarian relief operations;
 - (c) To act as an intermediary between the parties in an attempt to secure their agreement to a ceasefire;"
- OP4 Repeat Op 4 of Res 918
- OP5 "Welcomes the assurances of both parties to cooperate with UNAMIR in carrying out its mandate, recognizes that such cooperation will be important to the effective implementation of the mandate, and demands that both parties adhere to those assurances;"
- OP6 "Decides to keep the situation in Rwanda and the role played by UNAMIR under constant review and, to that end, requests the Secretary-General to report to the Council as appropriate, and in any case no later than 9 August 1994 and 9 October 1994, on progress made by UNAMIR in the discharge of its mandate, the safety of populations at risk, the humanitarian situation, and progress towards a ceasefire and political reconciliation;"
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8/8

OP8 We think it is inappropriate and unnecessary to include as an operative what is a statement of fact in the Secretary-General's report. Our preference would be to delete the para entirely; otherwise it should be shifted to the preamble.

OP9 We think this para should be deleted. It looks too far ahead, confuses the distinction between UNAMIR and other UN involvement in Rwanda and pronounces on matters that are not strictly within the purview of the Council. If what is wanted is a reference to the fact that UNAMIR has an end point, even if other UN involvement in Rwanda will continue, it should be sufficient to include a preambular para along the following lines:

"Noting that UNAMIR should continue only as long as it is needed to carry out the tasks set out in its mandate,"

OP10 bis We believe that the Council should state clearly that it deplores that genocide has been committed in Rwanda. We propose the inclusion of the following after current OP10:

"Condemns the genocide that has taken place in Rwanda;"

OP17 This para must be deleted. It is inappropriate, dangerous in terms of precedent and internally inconsistent. OP16 is sufficient.