

115/23/37

Your file: 115/23/37

Our file: 3/88/1

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| TO: WELLINGTON | WGTN UNSC | Immediate |
| CC: BEIJING | BONN | Routine |
| BRUSSELS | CANBERRA | Routine |
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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

- Fighting continues to intensify in Kigali; UNAMIR is deliberately targetted
- Displaced persons inside country estimated at 1.2 million; refugees outside of order of 300,000
- Arusha proximity talks break down over RPF refusal sign unilateral ceasefire undertaking
- OAU rules out intervention force and says increased international presence should be under UN, through an expanded UNAMIR
- Security Council still divided over whether forceful action can be contemplated; Secretariat indicates some form of Chapter VII action is likely to be needed
- Council comes back to proposal we made last week to ask SecGen to prepare more detailed working paper for UN action
- There is support, following council call for legal investigation of atrocities, for Ayala Lasso and Human rights Commission to make some recommendations Council could build on

- President (Nigeria) requests our help in formulating a draft resolution that might respond to such a working paper; we are giving Gambari some ideas to consider

Action

Information

Report

Discussion at informals this afternoon began with briefing by Secretariat (Gharekhan).

Situation Update

There was major combat yesterday in Kigali in areas between the stadium, the airport and UNAMIR HQ. It is clear that the RPF is trying to consolidate its gains in the city while the Government forces are resisting. Twice yesterday, shells came close to UNAMIR HQ, causing slight damage but no injuries. UNAMIR personnel at the airport came under fire for the third day in a row. The UN aircraft delivering supplies came under heavy machine gun fire and had to leave. UNAMIR Force Commander now believes the force is being directly targetted, but considers the motivation for this action to be unclear.

2 The humanitarian situation remains grave. The ICRC managed to get some supplies into the eastern part of the country near the Tanzanian border yesterday. Dept of Humanitarian Affairs estimates the total number of displaced persons inside Rwanda to be of the order of 1.2 million. UNHCR estimates refugees outside as follows: Tanzania - 250,000, Burundi - 40,000, Uganda - 5,500, Zaire - 8,300. UNHCR estimates that US\$48.5 million will be required to meet the needs of the refugees over the next 3 months; it is to launch an urgent appeal shortly.

Arusha talks

3 Gharekhan reported that the Arusha talks, at which Tanzania met separately with Government and RPF representatives, had ended at 11pm last night without agreement on a ceasefire or a communique. The Government delegation had been willing to sign a unilateral undertaking for a ceasefire but the RPF had refused to do so. According to Gharekhan, the RPF had castigated the international community for standing by while the butchery was going on and had said that the UN SecGen, his Special Rep, the OAU SecGen and the Tanzanian facilitator had all lost their impartiality. The RPF had also accused Tanzania of allowing arms destined for the Government to transit its territory.

4 The Council President (Gambari) circulated a more dispassionate account (see accompanying fax) of the Arusha talks provided by the Tanzanian Mission which ascribed the

RPF refusal to sign the unilateral ceasefire to its concern that such action, when coupled with similar action by the Government, would be taken as signifying its agreement to negotiate with the Government.

OAU says UN action through UNAMIR is necessary

5 Secretariat circulated a letter (also in fax) from OAU SecGen, Salim, responding to the approach from the UN SecGen for OAU assistance in restoring order to Rwanda. Salim notes that the protection of the population and the delivery of humanitarian assistance can be accomplished most effectively if undertaken "within the context of the United Nations and not otherwise" and notes that he has made the same point to US Assistant Secretary of State, Shattuck. Salim also says that such action should be undertaken through an expanded UNAMIR with an adjusted mandate.

Council discussion

6 Gambari led off the discussion by reporting that he had met with the New York African Group today to brief them on developments and urge positive responses to the SecGen's approaches for assistance. He said that there was a general desire to help but many had made the point that they could not make firm recommendations to their Governments until they had a better idea of what was envisaged. Gambari then urged Council members to be ready to go beyond talking lest the Council become a laughing stock internationally. He suggested that he write to the SecGen asking for a more elaborated game plan on what action the UN might take in Rwanda. (This in fact picks up an idea we made from the Presidency last week.) He also urged delegations to table drafts of any resolutions that might be under preparation so that discussion could be more focussed.

7 Gambari's first proposal was widely supported, with all agreeing that the Council need a much more fleshed out proposal than the SecGen's letter of 29 April, even if any such proposal was only a working draft and without commitment as to the Council's position on it.

8 The US (Walker) agreed that action was needed and referred to the visit of Shattuck to the region (see fax for joint statement by Shattuck and Salim), to the initiative of the UN Special Rep for Human Rights, Ayala Lasso, to investigate the atrocities, and the efforts of the UNHCR to assist the refugees at the border. He agreed that the proposed letter to the SecGen would help clarify thinking on the crucial issue of the mandate but disagreed with the idea of beginning to consider the text of any resolution without having more information on the concrete issue of availability of personnel and equipment.

9 We welcomed the moves taken by Ayala Lasso and the Human Rights Commission as evidence of mutually reinforcing steps

taken by other UN bodies in the light of the weekend Presidential statement. Noting that the buck stopped with the Council, we said that the SecGen had pointed out in broad terms what was needed; now it was for the Council to take action. But first, it needed a concept of operations from the SecGen for the Council to consider. We pointed out, however, that it was unrealistic to expect the SecGen to prepare more detailed ideas elaborating his letter of 29 April unless he had some indication of Council thinking. We also noted that any expanded operation which would extend into the countryside would necessarily entail at least as much risk for UNAMIR personnel as they were currently experiencing in Kigali. Accordingly, appropriate provision would have to be made for the use of force for their security.

10 France (Merimee) agreed that provision for the use of force would be necessary but said that the focus of any expanded international effort had to be on humanitarian assistance. He suggested that we could borrow an idea first used in Iraq to establish corridors for the delivery of aid to the people in need. Merimee went on to argue that there was little point in expending effort on the political negotiations front since the position of the RPF made it plain that there was no prospect of a ceasefire in the immediate future. Instead, the diplomatic effort should be on obtaining assurances from the parties that they will permit the delivery of humanitarian aid and will not attack the providers.

11 UK (Hannay) expressed caution. Full scale peace enforcement a la Somalia would be unlikely to be acceptable to the Council. Picking up Merimee's ideas, Hannay suggested that the focus had to be on humanitarian relief, though he took issue with the notion that the efforts at political reconciliation could be put on the back burner since the agreement of the parties would be needed for an expanded operation.

12 We picked up Hannay's remarks and agreed that while the Council was unlikely to sanction a full scale peace enforcement force, there were still real issues of security to be considered. Even people working at the borders would need protection. If the operations extended into the interior, which we considered they should, that would be even more the case. Gharekhan subsequently endorsed our comments noting that the current size and mandate of UNAMIR would be quite inadequate for providing security for the delivery of humanitarian aid. He also noted that the SecGen's letter had spoken of "forceful action" not enforcement. The SecGen's point had been that UN personnel would have to be able to protect themselves. He forbore from suggesting "what Chapter of the Charter" the expanded operation might be under, but his intention was clear. He told us privately that the Secretariat agreed 100% with the line we had taken in the debate.

13 Nigeria (Gambari) expressed concern that measures such as an arms embargo, aid to the refugees at the border and even the establishment of humanitarian corridors would not deal with the central issue - the massacres of innocent people. He also took issue at Walker's remarks, endorsed by Hannay, that people should not begin discussing draft resolutions, noting that until there was a specific proposal on the table, discussion would continue to be unfocussed.

14 As President, Gambari summed up by advising that he would prepare the draft of a letter to the SecGen which Council members could consider tomorrow and urged members with drafting ideas to put them on the table. He listed as obvious elements for a resolution the demand for a ceasefire, undertakings from the parties to respect UN personnel, measures to stop the massacres, measures to provide humanitarian assistance, an arms embargo, reinvigoration of the Arusha Agreement.

15 Gharekhan followed on with his own suggestion. Noting that the SecGen did need guidance from the Council he suggested that the Council take its steer from an extract in Salim's letter to Boutros Ghali "What is needed is to build on what is on the ground, with an adjusted mandate to cope with the expanded tasks of providing security to the displaced persons where needed and delivering humanitarian assistance." Gambari thanked Gharekhan for his "wise words". Whether he follows them up is another matter. That kind of mandate would fall short of what Gambari considers is necessary.

Comment

16 Today's discussion was very useful in moving the Council forward. A more detailed proposal from the SecGen will enable the Council to take some more informed decisions. In the meantime, it was necessary to make the P3 recognise that it would not be adequate to contemplate action limited to assistance to the border areas and that insistence on consent as a prerequisite (by which they mean Chapter VI action) would not address the very real issue that any operation in Government territory would almost certainly have to be conducted without consent - if only because of the chaotic command and control situation within Government forces. No commander in his right mind would rely on any consent given and would need Chapter VII backing because of the real risk in any operation in the countryside.

17 The NAM, who are also clearly of the view that Chapter VII is essential, are trying to come up with some ideas for a resolution. They are hamstrung, however, with Rwanda in their midst and, with Nigeria absent because of its role as President, are seriously lacking in intellectual firepower. We are working on some ideas to give them and to feed into Gambari, who asked us for some help this evening.

End Message