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115/23/37

Your file: 115/23/37

Our file: 3/88/1

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FROM:	NEW YORK	C04705/NYK	01-Jul-1994
TO:	WELLINGTON	WGTV UNSC	Priority
CC:	BEIJING	BONN	Routine
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Subject
 SECURITY COUNCIL: RWANDA

Summary

- Council adopts resolution establishing commission of experts to investigate human rights abuses in Rwanda
- French advise that Operation Turquoise is going well but RPF assert that French are intending to bomb them
- Rwandan PR indicates that he may pass up the Presidency in September provided other Council members agree not to pursue an attempt to remove Rwanda from the council and provided he is assured of a turn as President in 1995
- One of the possible solutions may result in the Security Council summit planned for January to be brought forward to December

Action

Comments on various scenarios for avoiding a Rwandan Presidency in September

Report

Commission of Experts

The Council this afternoon unanimously adopted the Spanish-promoted resolution providing for the establishment

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of a commission of experts to investigate human rights abuses in Rwanda. By the time the resolution had was put to the vote, it had been cosponsored by Argentina, Czech Rep, France, New Zealand, Spain, Russian Fed, UK and USA. A further small refinement was made to Op 4 to preserve Chinese honour, but in reality they had to accept that they could not secure the removal of the various references to the High Commissioner for Human Rights and the Special Rapporteur.

2 EOVs before the vote were given by Spain, US, Czech Rep, and France. EOVs after the vote were made by NZ, China, UK, Argentina and Pakistan. Our accompanying fax (Wellington and Geneva only) contains the resolution as adopted and the NZ EOv.

3 A notable feature of the US statement was its apparent acceptance of the idea that a tribunal should be established to deal with the crimes in Rwanda. Until today, the US and UK delegations had been adamant that they would not accept that today's resolution would lead to the establishment of a tribunal along the lines of that set up to deal with war crimes in the former Yugoslavia. Yesterday, however, Christopher, in testifying to Congress, accepted that such a tribunal would be appropriate; hence, it would seem, the change in the US position.

Operation Turquoise and RPF position

4 At yesterday evening's informals, Merimee gave a further update on the French-led intervention. There was little new information; he said that the force was proceeding along the lines reported earlier and that the Force Commander had met with UNAMIR Commander, Dallaire. He also mentioned the French concerns about what might happen if the RPF were to push further into Government-held territory (we had heard from several sources that the French had come within 20 kms of the RPF lines).

5 This morning the RPF representative told us that the French were overflying RPF territory and failing to respond to RPF air traffic controllers. He also asserted that the RPF had intercepted French communications indicating French intentions to bomb RPF positions. A press release issue issued by the RPF is also in our accompanying fax. It reiterates RPF opposition to the French intervention, complains about the overflying and says it has reliable information of French intentions to bomb RPF installations.

Rwandan Presidency of the Security Council

6 At an meeting yesterday afternoon open to PRs or DPRs only, Djibouti briefed Council members of its discussions on the possibility of Rwanda not taking up the Council Presidency in September. Olhaye circulated a paper summarising the position. It is in our accompanying secure fax (Wellington only). In essence, Bizimana will not insist

on assuming the Presidency in September provided Rwanda gets another turn at President next year and provided Council members desist from any challenge to "the continued membership" of Rwanda in the Council.

7 The paper indicates two options for achieving this end. Under A, Rwanda would "swap" being President in September with another member who will be President next year. Under B, Rwanda would forego its turn in September, everyone else would move forward one month and Rwanda would get the Presidency in December 1995. (Option C which would have Rwanda forego its Presidency entirely is effectively precluded by Bizimana's conditions.)

8 There was little discussion at yesterday's meeting and a number of members said they would need to refer the matter home for instructions. Argentina, however, flagged that there were other ways of achieving the same end instead of Options A and B and that Option B would cause them difficulties because of the Council's Summit scheduled for January 1995 over which President Menem has been promised to preside. Council members agreed not to circulate the Djibouti paper or to publicise their discussions.

Comment

9 In strict terms, we would have no difficulty with Bizimana's conditions. Whether or not he is President in 1995 is of no direct concern to us. An undertaking not to challenge "the continued membership" of Rwanda in the Council would not preclude a challenge to the credentials of the particular representative. Whether Olhaye and Bizimana appreciate the distinction is another matter. In any event, we doubt that a credentials challenge would find much favour with a number of other Council members. Accordingly the discussion will focus on less formal and dramatic ways of getting Rwanda out of the Presidency in September.

10 Nigeria is being touted as the country to swap with Rwanda under Option A. We understand, though not from the Nigerians themselves, that Gambari is keen on this option. This would tie in with the comment he made us today that he may not be around in 1995. Under this option he would get a second Presidency this year. However, the swap option is not immediately attractive to a number of Council members because it looks so artificial.

11 Option B is much more attractive but causes Argentina a major problem because of the scheduled Summit in January. They do not see why they should pay a price because of Rwanda's crimes and are determined to hold on to the Presidency for the month the Summit is convened. They favour a refinement to Option B which would have every member moving forward a month but would also entail a swap between themselves and Brazil. Under this scenario Brazil would get the Presidency in December and Argentina would maintain the

Presidency in January. Obviously this scenario is attractive to Brazil which otherwise would not have a second go at the Presidency. It also means that the Summit would not be chaired by a complete newcomer to the Council as would otherwise be the case if everyone moved forward (Botswana will follow Argentina as President). The problem of this option is that it would not give Rwanda a second term as President because under a simple rotation it would just miss out.

12 Another option being discussed is to take Option B and to shift the Summit forward by a month to December. This is being promoted by the French, and the Argentines tell us they have no difficulty with it either. Clearly, that would work to our advantage as it would mean that New Zealand would be able to participate in the Summit. However, we are told that the British are opposed to this scenario because of the heavy pressure of EU meetings towards the end of the year.

13 Obviously, a lot of water will have to flow under the bridge before the situation is resolved. It seems to us, however, that if you are interested in promoting a scenario that would have the Summit moved forward by a month, then it would be useful to make your views known to the British. We do not consider that we should be too bashful about this. As the French have said to us, it is pretty rough on the outgoing members of the Council for the Permanent Members a Summit the month after five Non-Permanent Members have left the Council.

End Message