

115/23/37

Your file: 115/23/37

Our file: 3/88/1

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FROM:	NEW YORK	C04713/NYK	06-Jul-1994
TO:	WELLINGTON	WGTV UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
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	LONDON	MADRID	Routine
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P/S MFA
DEFENCE HQNZDF (DSIA, OPS, DDI)
DEFENCE MOD (GENTLES)

Subject

SECURITY COUNCIL: RWANDA

Your C06545.

Summary

- At French request, Council agrees to short form of response to the SecGen
- Secretariat confirm that RPF have taken Kigali which is quiet for the first time in months
- French brief Council on establishment of humanitarian zone and contacts with the RPF, taking care to address many of the concerns raised in the media and elsewhere about the motivation for the zone
- Subsequent discussion reveals that few Council members are comfortable with the zone; only Spain and Czech Republic are generally supportive, and even they reiterate the criteria of neutrality, impartiality and non-interposition of forces set out in Res 929
- Russian Fed, US, Argentina, as well as NZ, question the size of the zone
- Nigerians, Russian and Argentines say zone should be demilitarised and any government forces and militia in it disarmed; US says government forces, militia and Hutu

killers should not be allowed to shelter in the zone

- In response, French challenge anyone to show they have not lived up to their commitments; Nigeria is a particular target for describing the French actions as a fait accompli

Action

Information only

Report

Reply to SecGen's letter

Prior to this morning's informals we learned that the French had had a change of heart and wanted a reply to the SecGen's letter after all. The Chinese tried to hold out against a reply (and seem to have used our name in vain in talking to the French) but dropped their objection when they realised they were alone. To avoid any French misapprehension about our position, we reiterated to Merimee that we had never been opposed to a Council reply to the SecGen.

2 At the commencement of discussions at the informals, Marker advised that on the basis of his consultations, he would send the short form of a reply to the SecGen (ie with the deletion of the clause referring to Res 929). There was no objection, but China (Li) recalled China's abstention on Res 929 and said their agreement to the letter did not signify support to the issue to which it referred.

Secretariat briefing

3 Gharekhan confirmed that the RPF had taken Kigali which was quiet for the first time in months. No radio broadcasts hostile to UNAMIR had been made over the last 24 hours. The new Special Rep, Khan, was now in Kigali and was beginning consultations with RPF and RGF leaders. UNAMIR Force Commander Dallaire had met with Kagame, the RPF Chief of Staff, and was travelling to Goma today for a second meeting with the Commander of Operation Turquoise. Ghana had confirmed its readiness to send the troops to bring its battalion back to full strength. Fifteen APCs had arrived in Kigali; 50 more had reached Entebbe. Gharekhan said he would be presenting an oral report to informals tomorrow on Operation Turquoise pursuant to Op 10 of Res 929.

French briefing

4 France's report under Res 929 was on the desks this morning (see accompanying fax, Wellington and Paris only). Merimee made reference to it but focussed on the reasons for setting up the humanitarian zone. He prefaced his remarks by noting that he wanted to correct some of the misconceptions in the media about French motives; he cited today's NY Times

(separate fax) as a "particularly malevolent" example.

5 Merimee asserted the zone had been established pursuant to Res 925 and 929 in response to the severe humanitarian situation that had developed following the RPF's recent advances. People were coming into the area by the thousands every hour; there were 400,000 displaced persons in the zone yesterday, there would be 500,000 today. He stressed that France's intentions were "purely humanitarian"; their actions were to protect the civilian population. There would be a complete ban on actions by any party which endangered the security situation. Military activity was prohibited inside the zone; the zone would not be able to be used a starting base for military activities outside. French troops would be completely impartial in enforcing these requirements against any party coming into the zone.

6 Merimee said that France was confident it was achieving the goals set for Operation Turquoise; by their admittedly rough estimate they had saved about 50,000 people from being killed. He emphasised that the force was not and would not be an interposition force. He said that the government forces were not in the zone; they were in the north-west centred around the government stronghold of Gisenyi. There was no military or political significance to the establishment of the zone.

7 Merimee noted that the French Ambassador to Rwanda had met yesterday with RPF Commander Kagame in Uganda with President Musaveni and had explained the reasons for and modalities of the zone. The RPF had said it had no objection in principle to the zone and would not seek confrontation with the French force. He (Merimee) had had an amicable discussion with the RPF rep, Dusaide. He said that French relations with the RPF were steadily improving while their relations with the government were steadily deteriorating.

8 Merimee said that France needed help to cope with the humanitarian situation in the zone. It was also urging the Special Rapporteur appointed by the CHR to visit the zone to see for himself and to begin to collect information on war crimes. France would assist in the gathering of such testimony and would forward it on to the Commission of Experts. He urged every effort to get the expanded UNAMIR in place as soon as possible so it could take over from the Operation Turquoise.

Council discussion

9 The subsequent discussion took place after the SecGen's lunch for Council representatives. Interestingly, no reference was made in the open discussion at the lunch to developments in Rwanda. The batting order in the resumed informals was Nigeria, Russian Fed, Argentina, NZ, Spain, US, Brazil, Czech Rep and UK. Oman, Djibouti and Rwanda did not participate. China decided it had said enough in the context

of the reply to the SecGen. Pakistan exercised its Presidential prerogative not to speak.

10 Gambari, who had been working on his statement all morning to tone it down, thanked Merimee for his frank briefing. He described the zone as a fait accompli and said there was little point in prolonged debate about whether it was justified under Res 929. For the record, however, Nigeria would have preferred the establishment of the zone to have been the subject of separate Council authorisation, especially as Res 929 "was a reluctant decision by a divided Council." The best hope for Rwanda lay in the implementation of Res 918 and 925 expanding UNAMIR. While it was hard to question the humanitarian motivations behind the zone, he hoped its establishment would not jeopardise UNAMIR's role. If the zone were truly to be a neutral safe area, it had to be demilitarised and any government forces or militia inside it disarmed. He concluded by asking the President to brief the media on the Council's discussions, noting that this was only appropriate given the SecGen's press statement yesterday.

11 Vorontsov's statement was surprisingly hard-hitting. Any actions by the French force had to be in strict compliance with Res 925 and 929, particularly the objectives in Op 2 of 929. Like Gambari, he said the zone had to be demilitarised to be effective; the only persons carrying weapons inside it should be the French-led forces and UNAMIR; it should not need to be ringed by offensive weapons. Also the zone should not be used as a cover for separating the parties; that would be contrary to Pp 6 of 929 and could itself provoke more fighting between the parties. He questioned the size of a zone: a zone covering 1/4-1/3 of the country was not a safe area, "it was something else." It should be made smaller, and the consent of both parties should be obtained.

12 Argentina (Cardenas) said his concerns were similar to those set out by Gambari and Vorontsov. He too called for the zone to be demilitarised. This meant disarming any forces or militia inside the zone and policing it to be effective; that would be up to France and Senegal. It would be good to get some UNAMIR observers into the zone, and every effort should be made to get the consent of both parties to the zone. Another priority was to get medicine and other humanitarian relief to the people in the zone. Argentina was ready to assist in an international effort to provide medical relief personnel.

13 We thanked Merimee for his briefing and for addressing so directly some of the concerns to which the establishment of the zone had given rise. We then spoke along the lines of your C06545, para 3. We added in a call, made earlier to the RPF representative, to the RPF to avoid confrontation and to help ease tensions in the country, noting that this was the course most likely to facilitate the deployment of the expanded UNAMIR. Our speaking notes are in our separate fax.

14 Spain and, later, the Czech Rep were the most supportive of the French actions, noting that they were confident that France was acting in accordance with Res 925 and 929. (Interestingly, both the Spanish and Czech representatives had commented to us in identical terms that the Council had given the French "a blank cheque" and there was little point in trying to argue about what was happening.) Each, however, reiterated the 929 criteria of neutrality and impartiality and the need to avoid becoming an interposition force.

15 The US (Inderfurth) welcomed the French briefing, especially the advice of French contacts with the RPF and the assurances that the force would not become interposed between the parties and would remain strictly neutral. He recommended that France adopt a few confidence building measures: the zone should not be geographically larger than required to protect the civilians at risk; government forces and Hutu militia had to be excluded from the zone; any reports of Hutu atrocities should be pursued aggressively; a rapid expansion in the international humanitarian presence should be facilitated; inflammatory Hutu broadcasts had to be stopped.

16 Brazil (Sardenberg) said he would not debate whether French actions were "entirely" covered by Res 929. The zone was a fact, as was the Brazilian abstention on Res 929. He did not exclude the possibility of a need for a new resolution on the subject. He was pleased at the contacts between France and the RPF; the operation should continue to be carried out in accordance with the letter and spirit of Res 929.

17 The UK statement was notable for what it did not say. Hannay thanked Merimee for his full and frank briefing, welcomed the contacts between the French, the RPF and UNAMIR, and expressed confidence that these contacts, coupled with a flexible application of the zone would help to avoid unnecessary difficulties. Meanwhile, the focus had to be on getting UNAMIR deployed.

French reply

18 All of the statements delivered by Council members were careful in language and tone and avoided direct criticism of France. But, the clear message was that France does not have much support or sympathy for its latest actions. Perhaps it was for this reason that Merimee responded in what was, for him, a fairly aggressive fashion. First he challenged any Council member to show where France had failed to live up to its commitment to act with strict impartiality and neutrality. France had done what it said it would do and it had kept the Council informed. He then directed his attention to Gambari, refuting the allegation that France had presented the Council with a fait accompli. France had responded to a real emergency on the basis of existing resolutions. It was no one's fault it had all happened over

Independence Day weekend, but Council approval was not necessary in any event.

19 Merimee, who had taken extensive notes during the discussion, then turned to Vorontsov, taking issue with what he thought Vorontsov had said (there had been a confusion in interpretation) about offensive weapons being carried by the French soldiers. He would like to know what kind of weapons the Russian troops were carrying in Georgia. He then took issue with remarks made by New Zealand "and others" about the size of the zone. It was not true that the zone was unnecessarily large; by their calculation, it comprised only 15% of the territory of Rwanda which was not large given the numbers of people it contained. Finally, he said he could not agree to Gambari's suggestion that the President brief the media on the discussion.

20 Gambari expressed regret that Merimee had taken issue with his observations "made in good faith" but insisted on the President briefing the media. Djibouti came in in support of France; Marker and Hannay insisted that the President be left with the usual discretion to brief the media as he saw fit. Merimee accepted Marker's assurances that he would not engage in a detailed exposition of the specifics of the discussion.

Comment

21 Clearly, today's informals were disappointing for the French, though the delegation professed that France was "entirely relaxed." "If people don't want us there, we will go. Then you will have to clean up the mess." It seems to us, however, that whatever the French may have had in mind when they decided to set up the zone, the strong international reaction has caused them to go very carefully and to make every effort to avoid being seen to be partial to the government forces. The collapse of the government forces no doubt adds to the political imperative not to be seen as the defenders of the old regime.

22 Some of the suggestions made today, particularly the calls for a demilitarised zone and disarmament of the government and the militia are clearly unrealistic given the size of the French force. Somalia showed graphically that even a vastly larger force is unable coercively to disarm armed soldiers and militia. However, the comments today may persuade the French to rethink the size of the zone. A reduced zone would of itself reduce the possibilities of it being used by government and militia as a haven for launching attacks and would give the French better possibilities for policing what goes on inside the zone. It would also encourage a more cooperative attitude on the part of the RPF.

23 Notwithstanding today's concerns about the French action, there is among Council members (apart from Rwanda PR Bizimana) a slightly more hopeful attitude about developments

in Rwanda. The advances of the RPF and the contacts between the RPF and the French give some cause for hope that the worst aspects of the Rwandan crisis may be over. Marker commented in this vein to the Council at the end of today's exchanges, though he noted that Rwanda would continue to be remain under close consideration for the meantime.

24 If, as they have announced they will, the RPF form a new government in the next few days, the issue of who should represent Rwanda on the Council is likely to come up soon. Thus, it may be that the issue of the September Presidency will have to be resolved by the credentials route after all. We will report as appropriate.

Postscript

25 We were a little puzzled by your para 3. As you know, Council members meet in all kinds of permutations depending on the issues under discussion. It would be odd indeed for New Zealand to stand aside from any meeting of Council members to which we had been invited. Yesterday's meeting of the five countries which abstained on Res 929 was a natural gathering of countries which took a similar position on an issue for broadly similar reasons, and would have been understood as such by the French. Such meetings happen every day in New York and are one of the most useful ways of learning the thinking of others.

End Message