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*LM* 115/23/37

Your file: 3/88/1

Our file: 522/1/1

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FROM:	WELLINGTON	C23246/WN1	12-May-1994
TO:	NEW YORK		Immediate
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P/S MFA  
DEFENCE HQNZDF (DSIA, OPS, DDI)  
DEFENCE MOD (GENTLES)

Subject

U49438: SECURITY COUNCIL: RWANDA

Your C04446 and fax 2597.

Summary

2 Our concerns with the draft resolution are directed primarily towards the new elements not contained in the NZ draft.

Action

3 For information and use in informals as appropriate. Your continued full reporting will enable us to keep the Minister closely informed.

Comment

Draft Resolution

4 Preambular section: our only suggestion would be to change reference to regional leaders in pp 7 to "regional countries".

5 Op 1: we particularly welcome the prominent call for a ceasefire as a priority.

6 We agree that description of Arusha Peace Agreement as a "framework" (op 3 et al) is appropriate.

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7 Like you we have some concerns relating to the proposed new mandate (eg the open-endedness of op 4 (c) and op 5). There appears to be some blurring of the mandate away from its immediate humanitarian assistance focus. It is unclear how (without Chapter VII authority) UN forces should "assure control of vital geographic features" (op 5 (a) (5)), or precisely how UN troops should conduct operations to effect the goal of establishing "secure areas" (op 5 (a) (1) and (b) (1)). What happens for instance if, as one might expect, such areas act as a magnet for further refugees and there are attacks on those seeking to enter these areas but not yet within the defined zones? How should the UN forces on the ground respond? What is missing from the concept of operations is a definition of what areas UNAMIR-A would protect or what the US paper calls "protective zones". Also what the US means by "robust rules of engagement" would need to be teased out.

7 Arms embargo: the language of op 11, backed up by the terms of op 12, is drawn very much from earlier cases of imposing sanctions under Chapter VII except that Chapter VII is not invoked. As they stand ops 11-13 are non-binding. Can the Council in fact "decide that all States shall immediately take measures" to impose an arms embargo on Rwanda without invoking Chapter VII? To avoid confusion (and to ensure that the necessary domestic legal action is triggered in member states) it seems to us that op 11 should specify that the Council is acting under Chapter VII in that respect. Alternatively, ops 11-13 could be drawn out into a separate section under specific Chapter VII authority. If Chapter VII action is not in fact intended, then it would be better to avoid the word "decides" and the mandatory tone of the following phrases.

#### US Talking Points

8 The US ideas clearly need to be explored further and accommodated. We note that PR Albright's comments are pitched in opposition to a "large peace enforcement mission" that would "operate throughout Rwanda with a mandate to end the fighting restore law and order and pacify the population." No-one is, however, suggesting such a mandate at this stage.

#### Sec-Gen's Non-Paper

9 Three key points emerged in our discussion with Defence. First a ceasefire must be seen as a priority. Second, if there is consensus that a UNAMIR-A type operation should be deployed, then it is difficult to see how it could work effectively without Chapter VII authority or clearly defined rules of engagement. (It is not so much a question of advocating a Chapter VII operation as of recognising what is required to enable the sort of operation envisaged to be effective). Third, the agreement of in particular the RPF as well as the interim government would be an important factor in determining the despatch of a UN force to Rwanda. We assume

that the Council is consulting extensively with the RPF. The US talking points refer to need for the "assent of the Rwandan parties" for a mission.

11 We note the Sec-Gen is still emphasising the strategic significance of Kigali Airport. For the reasons outlined in our C23162 we continue to believe that any operation seeking to operate from the vitally important airport will require the consent of the warring parties. If the parties do not agree, a very large, mobile force including helicopters and armoured vehicles would be required to secure the airport and its environs (up to 20 kilometres). That seems hardly realistic in the circumstances. If Kigali were not available, the idea of a border relief operation based in and operating through neighbouring countries, as proposed by the US would change the concept of operations and force/personnel requirements.

End Message