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ACTION IO-16

INFO	LOG-00	AF-01	ARA-01	CIAE-00	SMEC-00	OASY-00	DODE-00
	EAP-01	EUR-01	H-01	TEDE-00	INR-00	L-01	ADS-00
	NEA-01	NSAE-00	NSCE-00	OIC-02	OIG-04	OMB-01	PA-01
	PM-00	PRS-01	P-01	SNP-00	SP-00	SSO-00	SS-00
	TRSE-00	T-00	USIE-00	SA-01	PMB-00	DRL-09	G-00

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C O N F I D E N T I A L USUN NEW YORK 004161

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E.O.12356: DECL: OADR
TAGS: PREL UNSC
SUBJECT: RWANDA TRIBUNAL

REF: USUN 04148

1. CONFIDENTIAL - ENTIRE TEXT.
2. SUMMARY: INITIAL DISCUSSION OF US-NZ PROPOSALS AND
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REPORT OF COMMISSION INDICATED WIDESPREAD SUPPORT FOR
BOTH INSTRUMENTS SUBJECT TO QUESTIONS OF DETAIL. SPAIN
EXPRESSED STRONG PREFERENCE FOR TWO STEP PROCESS FOR
ESTABLISHING TRIBUNAL AND CHINA RAISED OBJECTION TO
SECOND USE OF CHAPTER VII TO ESTABLISH TRIBUNAL. END
SUMMARY.

3. KEATING (NZ) LED OFF DISCUSSION PRAISING REPORT OF
COMMISSION OF EXPERTS AND NOTING ITS GENERAL CONCURRENCE
WITH JOINT NZ-US PROPOSED RESOLUTION AND STATUTE
ESTABLISHING AD HOC TRIBUNAL FOR RWANDA. HE NOTED THAT

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STATUTE WAS VERY SIMILAR TO YUGOSLAV TRIBUNAL STATUTE, BUT WAS RWANDA SPECIFIC WHILE UTILIZING APPELATE CHAMBER AND PROSECUTOR OF YUGOSLAV TRIBUNAL. HE ALSO STRESSED URGENCY OF SC ACTING EXPEDITIOUSLY. FRANCE, UK, RWANDA, RUSSIA, ARGENTINA, NIGERIA, DJBUTTI, OMAN WERE GENERALLY SUPPORTIVE.

4. RWANDA INDICATED SEAT SHOULD BE IN KIGALI; OTHER AFRICANS SPOKE OF "SOMEWHERE IN AFRICA OR A "NEUTRAL SITE IN AFRICA."

5. CHINA RAISED OBJECTION TO SECOND USE OF CHAPTER VII TO ESTABLISH SUCH A TRIBUNAL. SAID THEY DID NOT NECESSARILY OPPOSE TRIBUNAL, BUT QUERIED MODE OF ITS ESTABLISHMENT.

6. BRAZIL SAID THEY HAD DIFFICULTY WITH ASPECTS OF NZ-US PROPOSAL, BUT WOULD RAISE THEM DIRECTLY WITH CO-SPONSORS.

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7. SPAIN (YANEZ-BARNUEVO) EXPRESSED STRONG PREFERENCE FOR TWO STEP PROCESS FOLLOWED RE YUGOSLAVIA WITH SC ADOPTING A RESOLUTION REQUESTING DRAFT FROM SYG AND THEN ONCE DRAFT RECEIVED, ADOPTING SECOND RESOLUTION APPROVING SYG'S DRAFT. HE ALSO COMPLAINED THAT SYG HAD NOT ENDORSED REPORT OF EXPERTS OR EXPRESSED A VIEW ON TRIBUNAL.

8. AMB INDERFURTH STRESSED THAT KEY ASPECTS OF NZ-US APPROACH WERE CONSISTENT WITH RECOMMENDATION OF EXPERTS. HE EMPHASIZED THAT REPORT OF EXPERTS AND RWANDAN STATEMENTS INDICATED NEED FOR URGENT ACTION. SO FAR AS PROPOSED TWO STEP PROCESS PROPOSED BY SPAIN, HE POINTED OUT THAT NZ AND US HAD WORKED CLOSELY WITH SECRETARIAT IN DEVELOPING OUR PROPOSAL, THAT SINCE WE HAD BENEFIT OF YUGOSLAV STATUTE CONCERNING WHICH LITTLE WAS CHANGED, IT MADE LITTLE SENSE TO FOLLOW TIME CONSUMING PROCESS OF TWO RESOLUTIONS. HE EXPRESSED HOPE THAT WE COULD RESPOND TO URGENCY OF THE SITUATION AND ASKED THAT THOSE WITH SUGGESTIONS OR PROBLEMS TO BE IN TOUCH WITH US AND NZ ASAP. HANNAY (UK) STRONGLY ENDORSED VIEW THAT TWO RESOLUTION PROCESS PROPOSED BY SPAIN WAS UNNECESSARY AND, SIMPLY DELAYED AN URGENT MATTER.

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9. COMMENT: THOUGH WE EXPECT PROBLEMS OVER MATTERS OF
DETAIL AND A DIFFICULT EXERCISE IN ACHIEVING RESULTS
ASAP, BELIEVE IF SPAIN CAN BE CONVINCED TO DROP TWO
RESLUTION APPROACH PROSPECTS FOR RELATIVELY RAPID
ADOPTION ARE EXCELLENT. END COMMENT. ALBRIGHT

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