

CASE NO. CIR-98-4-T  
EXHIBIT NO. DB 236B  
DATE ADMITTED: 11-2005  
TENDERED BY: D.E. K. J. J.  
NAME OF WITNESS: B. A. G. J.

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CONFIDENTIAL

Kigali, 15 January 1993

Note to His Excellency the President of the Republic of Rwanda

Kigali

Subject: Negotiations in Arusha from 22 November 1992 to 9 January 1993

1. Atmosphere of the negotiations

The negotiations held in Arusha from 22 November 1992 to 9 January 1993 sought to address the distribution of ministerial portfolios within the Broad-based Transitional Government, the establishment of the Transitional National Assembly (TNA) and procedures for making appointments to the judiciary. The atmosphere of the negotiations was one of dealings and differences of opinion among the Government delegation, a logical consequence of the political situation that reigned in the country. It is worth recalling that in the absence of a consensus on the distribution of ministerial portfolios among the political parties and the Government, the delegation had to leave for Arusha with little hope of reversing the order of the negotiations by first tackling the issue of integration of the RPF combatants into the Rwandan Army and then going on to address the outstanding political issues. The Rwandan Government hoped thereby and in the meantime to achieve a consensus on the sharing of ministerial posts and those of the Transitional National Assembly.

2. The negotiations at a standstill

As could be expected, RPF emphatically refused that any other issue be discussed before the issue of power sharing within the Executive, the Judiciary and the Transitional National Assembly had been fully dealt with. This stalemate aggravated by the disquiet over the protest against certain articles in the previous protocol lasted more than a week.

The atmosphere of the negotiations was further dampened by the differences of opinion among the *Comité de concertation* [Consultation Committee], composed of Catholic and Protestant bishops, over the proposal submitted to the Government for the distribution of ministerial portfolios, and by MRND's strong opposition to the conclusions of the Council of Ministers held on 28 November 1992. Any progress in the negotiations was thus blocked.

3. Resumption and progress of the negotiations

The meeting between the President of the Republic of Rwanda and the President of Tanzania, Ali Hassan Mwinyi, came as a big relief to the Government delegation and the observers. The statement by the President of Rwanda specifying the acceptance of the previous protocol, the nomination of deputies by the political parties and the need to ensure a balance

between the political parties got things moving again. As the negotiations progressed, the inclusion of other political parties in the Government emerged as a crucial problem, for several reasons:

(a) The Government had remained silent on the issue of the political parties to be included in the Government, thus giving free rein to all sorts of speculation.

(b) The criteria to be applied to the parties that were outside the Government practically eliminated all of them.

(c) The MDR, PL and PSD parties and RPF formed a strong alliance and refused that CDR, a party deemed by many members of the delegation to have a major political impact, be included in the Government.

Despite the support of this coalition by the head of the delegation, we insisted many times that CDR should be brought into the Government; some important personalities including the American Cohen were prepared to throw their weight behind the pressure being put on RPF to ensure that the proposal was accepted. In that connection, the delegation introduced other considerations, including a political code of ethics and the national reconciliation policy, in a bid to soften RPF's intransigence. PDI and CDR were just about to be accepted into the Government when the negotiators received the statement by MDR, PL and PSD that CDR should not be included in the Government. The head of the delegation leaned towards this new statement. The negotiations again reached an impasse. On 3 January 1993, Ambassador Mpungwe sent a letter to the two delegations setting out the position of the Tanzanian Government. He stated that if the two delegations were still unable to sign the Protocol of Agreement between 3 and 6 January 1993, it would be preferable for them to adjourn the talks in order to reflect further on the issues and continue the consultations. The time factor was of strategic importance. Moreover, it could be difficult for Tanzania, as facilitator, to sustain the current high level of interest, support and assistance of the international community in the Rwandan peace process.

From then on, all the observers, the facilitator and the heads of the two delegations took counsel together on the RPF proposal for one ministerial post to be given to RPF and one post to the Government side. It was decided to give one post to MRND and one to RPF.

There was NOT much difference of opinion on the number of seats to be accorded to each of the political forces in the Transitional National Assembly.

#### 4. Observations

- The political differences that were prevalent in the country made themselves felt in Arusha, seriously clouding the atmosphere of the negotiations. This was a direct consequence of the composition of the delegation that carried with it all the sensitivities of the political parties. The members of the various political parties present in Arusha zealously vied with each other for behind-the scene discussions with RPF on partisan issues so much so that RPF believed itself to be and conducted itself like an arbiter. In

the future, the delegation should comprise a smaller number of delegates and the politics therein kept to the minimum possible.

- The political party leaders gave priority to the immediate interests of their parties at the expense of the national interest.
- The solidarity between MDR-PSD-PL and RPF NO LONGER needs to be proven. Yet, this solidarity is ONLY a very short-sighted view of things.
- The observers accuse the Rwandan Government of NOT BEING resolutely committed to the negotiation process. Tanzania may lose interest in the Rwandan case.

#### 5. Conclusion

The negotiations that are expected to culminate in the conclusion of the Peace Agreement must follow their course, although the previous protocol had serious deficiencies in certain places. Any related implementation difficulties could be corrected through diplomatic channels, if need be, by calling for the intervention of the observers before the Peace Agreement is finally signed.

- Considerations that are aimed PURELY at the immediate interests of the political parties should bow to the superior interests of the Nation.
- The President of the Republic and the Prime Minister, who are primarily responsible for handling the politics of the country, should strive towards reconciliation and pave the way for mutual understanding on the essentials in order NOT TO widen the chasm between the President's Office and the Prime Minister's Office at the risk of dragging the country into ruin.

Col. BEMS Bagosora (signed)  
 Col. BEMS Muberuka (signed)  
 Lt.Col. BEM Ndengeyinka (signed)  
 Lt. Col. BEM Rwabalinda (signed)  
 Maj. BAM Gakara (signed)

Copy to:  
 His Excellency the Prime Minister  
 Kigali

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