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115/23/37

Your file: 115/23/37

Our file: 3/88/1

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FROM:	NEW YORK	C04615/NYK	14-Jun-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
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P/S MFA  
 DEFENCE HQNZDF (DSIA, OPS, DDI)  
 DEFENCE MOD (GENTLES)

Subject  
 SECURITY COUNCIL: RWANDA

**Summary**

- Spain's proposal to establish special commission to investigate genocide gets useful support
- NAM reserve position
- US has still to come to a position and China may want to consider the text further
- Nigeria is most cautious, calling the initiative premature
- Canadians expect Kigali airport to be out of range of "government" forces very soon as RPF moves them off the one position from which they could shell airport
- Canadians repeat their hope that NZ will help with airlift if at all possible

**Action**

For information

**Report**

2 Spain had the opportunity to introduce their draft resolution to establish a special commission of enquiry.

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Most members of the Council spoke in support of the initiative with the notable exception of Nigeria (DPR Ayewah) which expressed a view that it was premature to consider the matter and that they would have a "major difficulty" with it.

3 While referring to the "unmistakable human rights dimension to the conflict in Rwanda" US indicated it had yet to finalise its position on the proposal. US is giving thought to any implications there might (conceivably) be for UNAMIR's neutrality and noted its interest in hearing the findings, expected shortly, of the Special Rapporteurs recent enquiry. UK did not speak as a result, we understand, of Hanay challenging London's negative instructions. UKMISS objective is to seek instructions which at least are not "obstructionist" on the issue given FCO's apparent reluctance to go down the investigative route.

4 China interestingly appeared to be open to a consideration of the text proposing a drafting addition to Op4 so that it would be clear that the resolution was aimed at bringing to justice those in Rwanda, (ie not elsewhere). The proposal being to add the words "in Rwanda" to the end of Op4. They did however highlight 3 comments. The first being that given the situation in Rwanda was appalling and that the Council needed to react to it, they were prepared to consider a proposal which sent a political signal and which did not go beyond the scope of the Council's mandate. Secondly, they believed the initiative involved legal questions which would require more time to consider. Thirdly, they reminded Council members that at the time resolution 780 (1992) establishing the FRY special commission was adopted, China had made a statement that it did not believe that that would constitute a precedent. Since that time the international community had "learned some lessons" and had a better understanding of what it "should or should not do".

5 France indicated it could accept the text as it stands (though it would prefer to see Ops 1 and 2 reversed in order). Russia, Argentina, Czech, and Brazil were supportive and welcoming of the Spanish initiative. Brazil mentioned it was presently considering how the proposal would "fit into the overall process of considering what has happened in Rwanda", ie the division of labour between the Special Rapportour and the proposed special commission. They were also considering what the implications of establishing the special commission might be for future follow up action, eg establishing a tribunal?

6 For our part we said that in principle we supported the initiative. We said we saw the work of the Special Rappatour and that of the proposed commission as different and distinct. The Human Rights Commission's mandate was more forward looking in that we hoped it would help Rwanda to restablish itself as a state in such a way as it any repetition of these events could be avoided. In this context it would be better for the specific instances of past

violations to be considered by the special commission. We could accept amendments which specifically drew attention to the HRC mandate but we did not believe it was necessary to make such references if this would cause difficulties for some delegations.

7 Pakistan, on behalf of NAM, indicated that the NAM would require time to consider the draft. Except for Nigeria, none of the other NAM members spoke, including of course Rwanda.

#### **Comment**

8 The Nigerian position is something of a surprise given their apparently helpful role in Geneva at the time the Human Rights Commission resolution was adopted. At this stage we can't tell whether their reluctance to play a similar role here represents merely being out of step with their mission in Geneva on human rights whether it represents a change (and hardening) of their position vis a vis human rights or whether it is simply a personal idiosyncrasy of their DPR. Whatever we can expect a further round of discussions in the Council on this matter.

9 Other point of interest on Rwanda today is that the Sec Gen confirmed the appointment of the new Special Rep for Rwanda. (Booh Booh's contract was not renewed.) CV for Shaharyar Mohammad Khan, a previous Foreign Secretary from Pakistan, follows by fax.

10 In the absence of any update on the situation on the ground from Garekhan, we asked the Canadians about the status of Kigali airport which has been closed for several days. Canadians told us that the reason for the airport closure is the failure on the part of the "government" forces to provide a adequate assurances that they will not shell it. Their ability to shell is apparently now limited to occupation of one hillside. Canadians expect them to be moved off it by the RPF and for the airport to be out of artillery/mortar range very soon.

11 In light of this Canadians have provided a second plane (for a very short period only) to help clear the backlog of freight. Canadians also mentioned that the overland route from Uganda on which UNAMIR had been relying for resupply in recent days had proved less than satisfactory given the ability of militias to interrupt convoys despite their being in RPF territory. Canadians also stressed to us again their urgent desire for NZ to join them in this exercise.

End Message