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Our file: 3/88/1

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FROM:	NEW YORK	C04395/NYK	02-May-1994
TO:	WELLINGTON	WGTN UNSC	Immediate
CC:	BEIJING	BONN	Routine
	BRUSSELS	CANBERRA	Routine
	GENEVA	HARARE	Routine
	LONDON	MADRID	Routine
	MOSCOW	OTTAWA	Routine
	PARIS	SANTIAGO	Routine
	TOKYO	WASHINGTON	Routine

MFAT (MEA, UNC, HRU, LGL, EUR, DP3, ISAC, DSP1)
(DSP3, EAB)

Subject
SECURITY COUNCIL: RWANDA

Thanks your U48378 (not to all).

Summary

- Our draft Presidential statement welcomed by many Council members
- Agreement on text held up by Rwanda, working through the NAM, opposing references to genocide and to primary responsibility of Government forces for killings
- Threatened impasse was broken by NZ tabling draft resolution for voting on Saturday, 30 April
- Statement finally read at formal session commencing around 1am, 30 April
- Council members chose not to consider until this week Sec-Gen's letter, circulated on Friday, calling on Council to reexamine decisions on UNAMIR and suggesting more forceful action to restore order

Action

Information

Report

First round of discussions on Friday, 29 April, showed widespread support for draft Presidential statement we had prepared. A number of countries (Argentina, Spain, Brazil) indicated willingness to adopt unchanged, while others (UK,

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US) with the content to suggest only minor modifications.

2 Rwanda and France sought to amend opening paras to remove assertion that Government forces were responsible for the bulk of the killings. NAM gave oblique support for Rwanda with Nigeria (Gambari) as NAM coordinator arguing for use of language from latest OAU communique which did not attribute responsibility between Government and RPF. Rwanda and China also sought to amend reference to genocide, with latter clearly worried that general formulation might be read as applicable beyond Rwanda (ie Tibet).

3 UK gave some comfort to NAM with Hannay arguing that attribution of blame might endanger UNAMIR and complicate the initiation of a peace process. Czech Republic and US, however, insisted that statement reflect the situation as it had been reported to Council; ie that killings were principally by Government forces. They rejected language which sought to equate RPF with Government, noting that they had no information suggesting RPF were killing unarmed civilians. Czechs also insisted on retention of reference to genocide.

4 In the early afternoon, we produced a redraft which was taken up when consultations resumed in the evening. Redraft included language from OAU communique but also retained, in gentler terms, references to government responsibility and genocide. Discussions focussed on these issues, though members also agreed to incorporate a number of proposals from Washington concerning the situation of the refugees, particularly those that had been trapped at the borders by Government soldiers. At this stage the discussion became more difficult with Rwanda, Nigeria (now represented by DPR Ayewah) and China holding out for removal of language they found objectionable.

5 Discussions adjourned again in the mid-evening to enable us to prepare a further revision incorporating the US proposals as well as Hannay's ideas for restructuring the text. During the break, the Non-NAM convened to consider objectives and tactics. There was a consensus among the five that Rwandan/NAM attempts to remove all references critical to government had to be resisted and that some form of reference to genocide had also to be retained. Non-NAM were united in view that credibility of Council and UN as a whole would be dealt a serious blow if Council refused to acknowledge magnitude of the events in Rwanda and allowed presence of Rwanda on Council to allow Government to evade direct statement of its responsibility.

6 Redraft we tabled retained sentence on Government responsibility but placed in brackets the sentence on genocide and a compromise offered by Spain referring in more traditional language to breaches of international humanitarian law and individual responsibility for such. Nigerians, clearly under pressure from Rwanda, and Chinese,

hoping to solve its problems on genocide by making common cause with the NAM, then sought to argue that the Spanish sentence should be accepted as the alternative for both the sentence on genocide and that on Government responsibility. French, who had not played a major part after the initial exchanges, chimed in in discreet support.

7 By then it was clear that NAM and Chinese thought they could carry the day if they continued to obstruct agreement. It was also clear that the other non-NAM had few ideas about how to proceed. Accordingly, we, speaking as New Zealand, announced that we would be tabling a draft resolution which would be put in blue at 2358hrs that night and voted at 2358hrs the following night, if there was no agreement on the statement beforehand. Shortly afterwards we circulated text of draft we had prepared. Draft simply put into resolution form the text of the latest draft of the statement, including contested formulations on Government responsibility and genocide.

3 Our announcement and subsequent circulation of the draft had the desired effect. NAM and French appreciated difficulty they would face if forced to vote on issues of responsibility for the killings and genocide. The appearance of our text in blue at 2358hrs as promised (the result of some heavy pressure on the Secretariat behind the scenes) helped to sustain progress towards an acceptable consensus.

9 By this stage the negotiations were focussed on a Hannay proposal to restructure and reformulate the second and third paras. This included an Argentine idea to delete the specific word "genocide" but retain the description of the crime from the Genocide Convention. A small adjustment we suggested helped the Chinese off the hook on which they had hung themselves. But the Czechs rejected Hannay's proposal to divide and reformulate the sentence on responsibility ("Attacks on defenceless civilians have occurred throughout the country. Many have occurred in areas under the control of members or supporters of the armed forces of the interim Government of Rwanda.").

10 Kovanda's preparedness to block consensus on the point gave us room to propose that the sentences be rejoined in a way that preserved a more appropriate reflection of the Government's responsibility ("...throughout the country, especially in areas under the control..."). On that basis, the statement was agreed and read out in formal session just prior to 1am.

11 Discussion on the statement threatened to be derailed completely earlier in the evening when the Secretariat circulated, without prior warning to the Presidency, a letter from the Sec-Gen advising that things had become much worse on the ground and asking the Council to reexamine its decision to reduce the UNAMIR force level and mandate and "to consider again what action, including forceful action, it

could take, or could authorise Member States to take, to restore law and order and end the massacres." It was quickly agreed, however, first, that the issues raised in the letter were of such a magnitude that they could not be responded to that night, and, secondly, that the Council should persevere with its efforts to agree on a more general statement that night which would note the letter but would not attempt to address its substance.

11 Comments on Sec-Gen's letter follow in a separate message. Our accompanying fax (Wellington only) contains the Presidential statement as adopted, the draft resolution we tabled, and the Sec-Gen's letter.

Comments

12 We can take some satisfaction from the statement that was eventually agreed to on Friday night. But what took place during the negotiations was an illustration of the negative side of the NAM at work. It was disappointing that the other NAM members felt obliged for reasons of NAM solidarity to protect the Rwandan Government, even in the face of reliable evidence (Human Rights Watch, Medicines Sans Frontieres) of the deliberate killings of many thousands of civilians by Government forces. Had we not been prepared to push things with the threat of a vote on the issue, the Council would have had to choose between a politically anodyne misleading statement or no action at all. Either would have been bad for the UN's credibility.

13 Part of the problem came down to personalities; Gambari's absence on Friday evening was keenly felt. As one of his own delegation acknowledged to us once it was all over, Gambari would not have allowed NAM unity to constrain him in the way Ayewah did. As events proved, most of the NAM were prepared to accept a reasonable statement but for political reasons had to be pushed into that outcome.

14 As far as we can judge, there has been no negative fall-out from the role we played on Friday. Nigeria (Ayewah) and Oman both made a point of coming to us after the adoption of the statement to thank us for the role we played. At a meeting of Non-Permanent-Ten and at our bilateral this afternoon, Gambari also made a point of thanking New Zealand for its "even-handed and fair-minded" conduct of the Presidency last month and for our efforts at ensuring that African issues, "particularly Rwanda" were given appropriate attention by the Council.

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End Message