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UNAMIR MANDATE

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Office of the Spokesman

THE TRUE STORY OF UNAMIR IN 1994

In view of recently published reports in which the UN has been criticized, the following chronology of developments in Rwanda during the critical period is given to place events in their correct perspective:

Chronology of the events in Rwanda

24 September 1993, the Secretary-General reported to the Security Council on the implementation of the Arusha Accord which had been signed on 4 August. He recommended the establishment of UNAMIR and asked for 2,500 troops, including two infantry battalions of 800 troops each.

5 October, the Security Council passed resolution 872 establishing UNAMIR for a period of six months and authorizing the Secretary-General to deploy one battalion.

30 December, the Secretary-General went back to the Security Council and said, *"It doesn't look good. Let's deploy the second battalion"*. Despite the Council's request to him in an earlier message to consider ways to reduce the maximum troop strength, he argued that, under the existing circumstances, *reduction of resources could jeopardize the peace process*.

6 January 1994, the Security Council agreed to the deployment of the second battalion.

11 January 1994, there was an exchange of cables. Four communications were exchanged between the Force Commander in Kigali and the Department of Peace-keeping Operations which basically resulted in the Force Commander being given permission on an ad hoc basis to assist the Government in securing areas so that illegal arms could be seized. This responded to the part of the report which said that his communications were ignored and put in a black file.

10 February, Chinmaya Gharekhan, the Secretary-General's Senior Political Adviser, briefed the Security Council about the tension and the deterioration of the situation in Rwanda. He again briefed the Council **on 16 February** on the same subject.

30 March, in his second report to the Security Council the Secretary-General registered alarm over the deterioration of the security situation, the resurgence of violence, the insecurity engendered by the political impasse, the rapid and dramatic deterioration of security in Kigali, the distribution of arms to civilians and the increase in ethnically motivated crimes and murders.

6 April, the plane carrying the Presidents of Rwanda and Burundi crashed near Kigali Airport killing all on board.

7 April, the Interim Prime Minister was executed, and 10 Belgian soldiers serving with UNAMIR were killed. On the same day, there was an oral report to the Security Council by Mr. Gharekhan talking about the serious implications for the civilian population.

9 April, Mr. Iqbal Riza, then of the Department of Peace-keeping Operations, briefed the Council, talking about widespread fighting and disorder.

11 April, Mr. Riza again briefed the Council on the rapidly deteriorating situation throughout Rwanda.

12 April, the Secretary-General met with the Belgian Foreign Minister very late at night in Bonn and they discussed withdrawal of certain contingents. He immediately, the next day, sent a letter to the Security Council saying, *"we need to reinforce"*.

20 April, in his third report to the Council, the Secretary-General gave the Council three options. He said that the first option was the one he wanted. The second option was less desirable, and the third, he considered out. The first option was for *an immediate and massive reinforcement of UNAMIR troops to stop the fighting and the massacres. That would require several thousand additional troops and would also require that UNAMIR be given enforcement powers under Chapter VII.* Option B was that it would be downsized and only a small contingent would remain there as an intermediary between the powers. The third option, which he said he did not recommend at all, was that UNAMIR be completely withdrawn.

21 April, the Security Council adopted resolution 912 authorizing the reduction of the force level to 270 troops.

29 April, the Secretary-General again wrote a letter to the Security Council saying that *downsizing was not the answer* and that it was getting worse. *"We must consider more forceful means."* He said that the scale of human suffering and its implications for neighbouring countries left the Security Council with no alternative but to examine that possibility.

4 May, the Secretary-General went on nightline and *called the situation genocide*, and said, *"something must be done or we will all be accused of genocide"*.

For more information, please contact the Office of the Spokesman in Kigali: phone: 84496/84497/84498 ext.: # 11075 or 11077.



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UNAMIR NEW Mandate**SRSg's Interview on Radio UNAMIR - Saturday 16 December 1995**

The Special Representative of the Secretary-General (SRSg), Ambassador Shaharyar M. Khan gave a wide-ranging interview on Radio UNAMIR relating to the new UNAMIR mandate. The following are the salient features of the interview:

New Mandate's Focus**Question**

On Tuesday, 12 December 1995 UNAMIR's mandate was extended by another 3 months. The world body will remain in Rwanda as a symbol of encouragement to those refugees considering returning from exile. I asked Ambassador Shaharyar M. Khan to explain the difference between the old mandate and the new one.

Answer

The difference is in the nature of responsibilities UNAMIR would now handle from 9 December 1995 up to 8 March 1996. Basically what the international community, if you like, the Security Council, has been stressing is that UNAMIR is still relevant in providing a beacon of confidence to the refugees who are across the lake in Zaire and in Tanzania. By that I want to specify that we are not actually engaged in any protection or security duties in our new mandate. But our very presence may help in the international effort which is being made by Rwanda, by the regional countries, by UN agencies and by the donor countries, to persuade the refugees to return home voluntarily. So, the next mandate underlines the good offices we can offer in persuading the refugees to return voluntarily. The mandate refers to the Cairo Summit as also to providing logistics to UNHCR and other agencies engaged in this exercise. So, our next mandate, I hope, will reflect what President Bizimungu said two days ago, namely, that UNAMIR II has been a successful operation. We feel that these remarks reflect the reality on the ground and we feel that this cooperation can continue.

Negotiations on the New Mandate**Question**

The agreement to extend the mandate was taken after quite considerable negotiations. There seems to be three different inputs: the wishes of the Government of Rwanda, the wishes of the donor

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community and the wishes of the UN itself. How much did that affect the shape of this new mandate?

Answer

The differences were basically on two issues: one was the number of people required to defend the new mandate. As you know, we have 1800 formed troops and four hundred military observers and others, making a total of 2200. The Government of Rwanda was saying 'all right, if our friends in the international community feel that the presence of UNAMIR in Rwanda is going to help the refugees come back, we agree to their staying on, but we do not believe, that you need so many troops to be able to fulfil that mandate'. On the other hand, the international community was of the view that the number of troops we had until 8 December was a bare minimum anyway and that to reduce further would make it difficult to fulfil the mandate. Anyway, there was discussion on this issue and we have now arrived at a suitable figure of 1400 and I am sure that we will be able to cooperate on this basis.

The second point of difference was that the Government of Rwanda insisted that, as a sovereign Government, it should have the authority to provide security protection to everyone, including diplomats and UN agencies. The Government of Rwanda felt that the sub-paragraph of our last mandate, in which we were required "to contribute " to security protection was no longer required. Now, the Security Council is very conscious of the need for international personnel to have security and protection and this issue was resolved when the Representative of Rwanda openly stated, in the Security Council, that the Government of Rwanda would provide complete protection to the UN community, to the Human Rights monitors and others. That left only the question of the Tribunal.

The Tribunal

Now, the Tribunal is a separate issue. The Tribunal insists that it must have its own security and protection. Judge Goldstone made a very plausible case that even in the Hague, they are not protected by the Dutch police or security forces. The Tribunal has its own protection force as is the case wherever they are operating, as for example in Croatia. In Arusha also the Tribunal will have its own protection force. So far, the Tribunal had been relying on UNAMIR to provide this protection. However, once it was agreed that the present mandate would end on 8 March, it was also agreed that from 8 March, the International Tribunal would be protected by an alternative international force. Once these two issues -- the number of military personnel required and the question of who is to protect the International Tribunal were decided -- there was no problem and the resolution went through. We can now look to the last three months of our stay here in a spirit of cooperation and in the hope that we will be helpful in persuading the refugees to return home voluntarily.

The Cairo Summit Declaration

Question

Recently, you have been accused by a refugee organization of being biased towards this Government. How do you react to such allegations?

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Answer

Well, I react favourably in the sense that if you are criticized by both sides, you know that you are doing your job in a manner that is unbiased. In the radio interview concerned, I had referred to the Cairo Conference decisions in which it had been acknowledged that there were people who were required to be apprehended as alleged criminals in the genocide and handed over to the International Tribunal. This was one of the agreements in the Cairo Declaration. Also, that there were camps in which there were "intimidators" - this word was used in the Cairo Declaration - that the intimidators had to be separated from the others in order that ordinary people exercise a free choice. There was also a clear reference to the suppressing of hate radios. Now, when you accept that there is hate radio, that there is need to separate the intimidators from the normal people, and that there are certain people who may be required for the Tribunal, naturally there is a responsibility with that concerned State to meet those obligations. My remarks were made in that context. I do feel very strongly that the commitments made in Cairo, in Bujumbura, in Nairobi, must be implemented, whether they are by the countries around Rwanda, like Tanzania or Zaire, or whether by Rwanda itself which has made many commitments on issues related to refugees' return. It is not enough to sign declarations. One has to see them implemented. And this also goes for the agencies and for the donor countries which have to support the process they have all agreed to. So my remarks were made in that context and were quoted, perhaps, a little out of context.

I have been myself to Tanzania and to Zaire, on more than one occasion. Both countries are insistent that refugees should go back. Both countries are looking for international support in order that the refugees return in safety and dignity. Now, what they are also saying is that they need international support to be able to pursue this objective. This international support is expected in the form of financing and of personnel that are required to perform the difficult task of separating camps, closing down 'hate Radio' campaigns and separating the political elements from the common folk in the camps. So persuading them to return voluntarily is not going to be an easy task. Therefore, I do believe that the international community must support these programmes, support the implementation of Cairo and Bujumbura. There are people, I have to state, who see this process of voluntary refugee return as a political defeat for their objectives and they will criticize others because, if they see this tide of refugee return actually ebbing away from them and if large numbers begin to come back and are settled reasonably safely here, then they will lose a political prop on which they have based their whole philosophy. I am not surprised that when we see a major campaign regionally to persuade the refugees to return, and if success is written on the wall, that there will be a lot of criticism, not only of myself, but of all UN agencies and all the others who are part of this process of seeking voluntary refugees' return.

Future Deployment of UNAMIR

Question

To return to the psychological presence of UNAMIR, with your troops you are going to have to choose carefully how you deploy your men, where and for what reason will UNAMIR's blue helmets be deployed in Rwanda?

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Answer

At the moment we have, of the 1800 formed troops, roughly half in Kigali. They include the logistics, the engineers, the communications. The remaining 50% are in four locations: in Gisenyi, Cyangugu, Gikongoro and Kibungo. All four are opposite the likely entry points of the refugees: two opposite Zaire, and two opposite Burundi and the inlet from Tanzania. In the new mandate, with a reduced force strength, what we are planning is that the contingents in Kigali would remain, more or less, in the same shape, but instead of four, we would place two logistics cells opposite in Cyangugu and in Gisenyi, and withdraw the units from Gikongoro and Kibungo. We want to keep these logistic cells in these two areas because the very reason for UNAMIR's three-month mandate is that we should be helpful for the returning refugees and we cannot be seen to be five hours away by road from Cyangugu and three hours away from Gisenyi. We have to be available on the spot and we have to show ourselves. So, in the new deployment, I foresee that we will have logistic units which comprise a few soldiers, communications, engineers and also vehicles in these two places, so that we can be helpful, as we were when the 14000 forcibly returned came through in August from Zaire. That was an excellent operation which was carried out very smoothly and we hope that we can be of some use on the spot as refugees come in. I would add that if we begin to have a large number of refugees coming in from Tanzania, we will certainly be able to divert a logistic cell out in Kibungo to be able to help there as well. So there is an element of flexibility in the dispersal of our forces in the next months.

Civilian Police

Question

One of the most striking changes in this mandate compared to the previous one is the complete withdrawal of the civilian police. Now in the previous mandate, one of the most important functions of the UN, was to train a local police force; and for that reason CIVPOL was seen as an integral part of the force. Why has there been this change?

Answer

I remember even last time, when we were discussing the previous mandate, there was a strong feeling from the Government of Rwanda that CIVPOL should now phase out. The duties of CIVPOL can be divided into two sectors: the majority of about 85 are engaged in monitoring in the prefectures, in helping the local police and gendarmerie, which did not exist until earlier this year, to perform police functions on the ground. With the development of a skeleton gendarmerie and, hopefully, a communal police force which is being trained, the monitoring element of the police work is no longer required. I can fully understand that the Rwandan police and gendarmerie want to stand on their own feet and perform their own sovereign activities.

The second area is the one that is perhaps going to lead to a temporary vacuum. The second area was the training that we were providing to the Rwandan gendarmerie and the commune police in two institutions, one in Ruhengeri for the gendarmes and the other, for the commune police training centre in Gishari which is near Nsinda, where 750 young recruits have been inducted and only two weeks ago, the Vice-President inaugurated the course and made an excellent speech, in which he praised the cooperation between UNAMIR and Rwanda in starting up this programme. In

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this second area of cooperation, we had about 20 trainers from our CIVPOL in each of these institutes. It is entirely up to the Government of Rwanda to decide whether or not they need the trainers. We were told that Rwanda preferred, and we fully understand this, to have this training on a bilateral basis. So in fact this programme has closed down. Our trainers in our CIVPOL are now back at Headquarters. They will phase out within three to four weeks; already 30% will go within the coming week and the remainder will phase out. The CIVPOL programme has been a great success and it is now at an end. I personally feel rather sad that we cannot continue the training which was proceeding well but it is a decision by the Government of Rwanda and we respect it.

The Equipment Issue

Question

Ambassador Shaharyar Khan, there is a clause which invites the Security Council to consider UNAMIR leaving behind its non-lethal equipment for continued use in Rwanda once it has packed its bags and gone. Can you explain the reasoning behind this.

Answer

Yes I think it is important to understand the background to the equipment issue, because the man in the street does not really understand why the UN cannot leave behind the equipment that it has brought in. After all, it is much used, it is second hand; it costs a certain amount of money to take out of the country and if the UN does really want to help Rwanda, says the man on the street, why not leave this equipment behind? The answer to the question is that there are basic regulations of the UN General Assembly on this issue that apply to all peace-keeping operations, whether it is in Cambodia or Kuwait, Mozambique or Somalia. There are clear regulations as to how the equipment that has been used in a theatre of peace-keeping is to be disposed of. These regulations place equipment disposal in four categories as follows: the first category relates to equipment and material that belongs to other countries. You see a large number of vehicles, for instance, with white paint and UN markers on them, but a lot of them do not belong to the UN. They are working for the UN, but they belong to countries which have provided these vehicles, this material, to the UN operation. They could belong to, let's say, India, or Zambia or Nigeria or Chad, and at the end of the day, these countries have to decide whether they want the equipment back or not. In other words, this equipment does not belong to us and it belongs to the country which has sent it. It is for that country to decide what it wants to do with it. So we have no control over this first category.

The second category is equipment which is here and which is good enough to be used in another theatre of peace-keeping. The UN General Assembly has decided that if you have equipment that is usable in, let's say, Haiti today, or in Liberia, or in Angola, then just as we have received equipment from Somalia and Kuwait and Mozambique, similarly we are obliged to send our equipment to those countries because otherwise, new equipment would have to be bought. So the second category consists of equipment that we are obliged to send to other peace-keeping operations.

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The third priority is other UN agencies. The UN General Assembly rules state that if other agencies require this equipment they should have priority of use. For instance, I have requests from UNHCR for vehicles. I have requests from the Human Rights Organization here, I have requests from the Tribunal, from the Deputy Prosecutor's Office, I have requests from other agencies for equipment in order to perform their work which is essential for Rwanda. And the UN General Assembly would require UNAMIR to transfer the equipment to the agencies which need it.

It is only in the fourth category of what is left that is to be seen as available for the Government of Rwanda. Now, these are UN General Assembly regulations. Neither I, nor the Secretary-General, nor indeed the Security Council, can change these regulations. Only the General Assembly can override its own resolutions. Therefore, I think what you are seeing for the first time, is a very clear indication from the Security Council that the equipment that we have here and that we shall not obviously require after three months should be usable in Rwanda for the Rwandese Government, for the Rwandese people, for the rehabilitation, for use in Rwanda. So I hope people understand that much as though we would like to hand over all the equipment as we leave, we are constrained and limited to doing so because of these resolutions of the General Assembly, of which of course Rwanda is a party.

UN Future Presence in Rwanda

Question

What other than equipment will the UN leave behind? What would be the shape of a future UN presence in Rwanda following the March 8 draw-down.

Answer

This is, of course, a matter for Rwanda and the Security Council to decide. What is clear is that on 8 March, UNAMIR comes to an end. And six weeks from that point onwards, we shall no longer be here. I think this point needs to be emphasized because in my informal discussions, I get the impression from my friends in Rwanda that UNAMIR wanted to stay on and find all sorts of excuses for doing so. This is not the case. As the Secretary-General's report very clearly indicated, UNAMIR was ready to phase out even now. That is to say on 8 December 1995. What happened was that a laudable attempt by the regional States and by the international community to put together an attempted lift-off on the refugee issue was made at this point in time. It was felt that our presence here would be helpful. It would not be critical, but it would be helpful in trying to persuade the refugees to return. This is why Rwanda says: **'all right, if our friends say you [UNAMIR] should stay, we have no aversion to your staying'**. But the future of UNAMIR is very clear. Come 8 March and we shall phase out. Now, your question is what happens afterwards. Is a civilian, development-oriented presence, which lends itself to meeting Rwanda's genuine current needs going to replace UNAMIR? By that I mean repair of roads, bridges, repair of various other institutions - you know a lot of buildings are still not operative - repair of electricity, water and communications, getting agriculture back on its feet again by the distribution of seeds, etc., getting jobs going on a short-term basis. These are the immediate issues that Rwanda needs to have tackled and it feels that it needs a kind of peace corps, doctors, engineers and agronomists working

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here and reacting quickly to immediate situations. In other words, to address the sort of twilight zone between the end of civil strife, civil war, genocide as we have seen and the beginning of the normal development programmes through the World Bank and bilateral assistance through the Round Table. There is a twilight zone which needs to be addressed, between peacekeeping and normal development, perhaps peace-building.

The problem is -- and this again is something that is not easily understood -- the problem is that people say it should be easy. 'You are spending X number of dollars per day on your military presence over here, you have all these soldiers, this equipment, these vehicles, surely all that needs to be done is to replace them with a civilian presence'. Unfortunately, the UN cannot make this transition automatically, because peace-keeping operations are funded by assessed contributions - that is, by obligatory contributions from member States. The funds for a civilian presence, a peace corps type of presence, an emergency peace building presence of doctors and engineers come from voluntary contributors. You cannot use money earmarked for a peace-keeping operation in civilian operations. Therefore, the money that is funding UNAMIR cannot automatically be diverted to a civilian operation. During the next three months, seeing the problems of the United Nations, its limitations, its constraints, the attitudes of the member countries, we should discuss how we can evolve a presence that meets Rwanda's needs, which is properly funded by voluntary contributions. It is important that people should understand that this is not an automatic diversion or flow of money from one operation to the other.

UNAMIR and Refugee Return

Question

Finally, Sir, how optimistic are you that the presence of UNAMIR will make any difference to the return of refugees?

Answer

I am very clear that the presence of UNAMIR is important, but not critical. Those people who argue that UNAMIR has been here for a year and a half and the refugees have not come back and therefore it proves that UNAMIR's presence does not affect the issue are, I believe, missing the point. The argument that they make is irrelevant. Never has it been asserted that the presence of UNAMIR itself is the magnet which will draw the refugees back. We may be an influential factor, we may be, at best, an important factor, but there are other factors, much more critical, which will have to be addressed for the refugees to return voluntarily. These factors are outlined in Bujumbura, in Cairo in Nairobi and if you allow me to summarize them, they are: that the refugees in camps must have psychologically the confidence to return and to believe that they will be treated fairly and with justice; that they will not be persecuted or be brow-beaten and that they will get their due share. This is a vital, critical factor which the refugees need to be convinced of in Tanzania and in Zaire. And this convincing has to be done essentially by the Government of Rwanda. The areas in which these assurances have to be given are known. They are that there should be no arbitrary arrest, that people who come back should be given their dues, that anyone who is suspected of any misdemeanor or a worse crime should be given transparent justice and that these are not

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statements and declarations made at conferences, but are declarations to be implemented on the ground.

I will add here, that the Rwandan Government's track record recently does indicate that the people who are coming back have been well treated. Look at the 14000 who were forced back from Zaire in August. Within three or four days, they were back in their communes, reasonably settled. Even when you look back to August last year when the French left and the Humanitarian Protection Zone became part of the whole, we saw roughly a million IDPs return to their homes over a period of three or four months. Some of them went out of the country, some of them went to Zaire, to Tanzania and to Burundi, others had difficulties settling back because they were accused of being part of a syndrome that was against the new Government. But, by and large, the majority of those people, of that million, went back safely. So the track record shows that there is an effort by the Government to settle these people, honourably and honestly. Of course, there will be occasions when people will take revenge, when people will go outside the transparent justice syndrome and where people may get treatment that is not correct. But, the psychological element of reassurance needs to be fortified by action on the ground.

The second critical element is that, in the camps as has been stated in Cairo, and in the tripartite discussions taking place currently, there is a need to stop hate campaigns, hate radio. There is need to stop intimidation, there is need to separate those who have been in the militia and the military from those ordinary people who went along with them, at the time of the trauma last year. And there is need to stop military training and infiltration across the borders. Now, once that stops, or is controlled, there are greater chances of the refugees coming back. In this whole syndrome, UNAMIR can play a positive role. Put another way, if we were to be seen going out at the very time when everyone is putting together these efforts to get the refugees back voluntarily, it would send wrong messages in camps. To answer your question, I feel that the next three months are important in trying to persuade the refugees to return. I feel our presence here is relevant, is important, but it is not critical. Whether, we are here or not, it is not going to critically affect the return of refugees. It is the other two elements that I have mentioned which are going to affect the return of refugees and I hope that we can all put our act together and that the two critical obstacles can be overcome so that we begin to see a return of refugees in large numbers taking place.

Question

We are still dealing in conditionals here; we are still working on "Plan A -- Refugees must return". The refugees have voted with their feet out over the past 18 months not to return. Is it not time for the international community to think about "Plan B" -- moving the refugee camps away from the border so there is no infiltration, so that the refugees can be settled in some other places where they could become self-sufficient.

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Answer

I honestly believe that a very serious attempt must be made to implement the decisions that all the parties have taken in trying to get the refugees back voluntarily. By that I mean implementation of Bujumbura and Cairo Declarations. I do not believe implementation is taking place. I believe that if implementation does take place, only then will you be able to assess whether or not the refugees have exercised their voluntary desire to return. If, at that point, they still decide not to come back, then I reckon your **"Plan B"** needs to be looked at seriously. But, I reckon, that the whole syndrome, politically as well as in terms of refugees on the ground, we must make an effort to get those refugees back as part not only of a humanitarian process, not only to relieve the countries like Zaire, Tanzania and Burundi of the burden of carrying these refugees, but also as part of a political settlement, because until the refugees come back, one cannot really say that we are moving towards the kind of ethnic harmony that we all regard as essential for a political solution in this country. So long as the refugees stay out, there is a basic part of the jigsaw puzzle that is missing and without putting that part back into the whole, I feel a political resolution of the problems will be missing. Until this part is put back into the jigsaw puzzle, there will continue to be tension, especially around borders and I feel it will always breach against regional security in the region.

For more information, please contact the Office of the Spokesman in Kigali: phone: 84496, 84539, 84510 ext.: # 11075 or 11077.
