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CNR-557 P1/3

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TO: KHAN, UNAMIR, KIGALI
 COPY: HEIN, UNREO, KIGALI
 FROM: HANSEN, UNATIONS, NEW YORK *De and*
 DATE: 13 SEPTEMBER 1994
 NUMBER: 2968
 SUBJECT: TRANSFER OF REFUGEES TO KAMANYOLA/ULVIRA

1994 SEP 13 P 10:23

10:23
 SEP 13 1994

Attached, for your information and follow-up, is a communication received from UNHCR on the above subject.

*This was
 discussed in same*

*Mr. Das
 your attention pl.
 Apr 12/9*

09/94
12/09/94
11:05

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NATIONS UNIES
HAUT COMMISSARIAT
POUR LES REFUGIES



UNITED NATIONS
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FOR REFUGEES

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FAX MESSAGE

TO: P. Kouyoula, LOMY. (Pls. transmit to Messrs. Kouyate and Ziga)
FROM: Soren Jassen-Petersen, Director, Liaison Office at UN New York
DATE: 12 September 1994
NUMBER OF PAGES INCLUDING THIS COVER PAGE: 2
SUBJECT: Transfer of refugees to Kamanyola/Uvira

MESSAGE:

1. The refugee situation in Bukavu city remains a matter of concern to UNHCR and its operational partners due to the lack of adequate sites in which to accommodate refugees. (All sites around Bukavu have reached full capacity.) Following a series of negotiations with the local authorities and traditional leaders, the only option was to transfer refugees temporarily accommodated in schools, churches and other public areas of the city to Kamanyola/Uvira. The local authorities gave UNHCR and its operational partners one week to clear the schools so that classes could resume (12 September). Pressure was also brought to bear by parents for UNHCR to remove refugees from the main schools in the city. They warned that refugee squatters would be attacked if this was not done. UNHCR is taking this threat seriously and is making every effort to observe the notice period given by the authorities.

2. The vast majority of the remaining caseload in Bukavu city (50,000 - 60,000) is composed of vulnerable groups (female heads of families, the elderly and children) as the more able refugees have already moved to available sites around Bukavu. It was not possible during these movements to give priority to vulnerable groups who remain in Bukavu city. An ad hoc food distribution was undertaken to encourage further negotiations but without success. Their living conditions remained very poor as their transfer to Kamanyola/Uvira was delayed to allow the identification of possible sites by a technical team.

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3. Owing to the lack of an acceptable alternative, UNHCR agreed to send a first convoy of 250 people on 9 September to Kaganiro site, situated near Kamanyola 60 kilometres from Bukavu, 20 kilometres from the Burundi border and 15 kilometres from the Rwandese border.

4. Kamanyola is presently the only site available in the area. (N.B. Kamanyola was already a site for 20,000 Burundi refugees 2/3 years ago and some infrastructure dating from this former occupancy remains in place.) Security issues have been analysed by UNHCR and the Zairean authorities and measures will be taken to avoid the use of this site for any other purpose than that of housing Hutu refugees.

5. It is expected that Kamanyola site will be able to house 20,000 of the 50,000 - 60,000 refugees in Bukavu. Meanwhile, efforts are continuing to identify other suitable sites in which to accommodate the remaining caseload.

6. We suggest that matters going beyond the above facts and points be discussed bilaterally between the Governments of Burundi and Zaïre.



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UNITED NATIONS HIGH COMMISSIONER
FOR REFUGEESHAUT COMMISSARIAT DES NATIONS UNIES
POUR LES RÉFUGIÉS

Liaison Office at United Nations Headquarters

Délégation au Siège des Nations Unies

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NEW YORK

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F A C S I M I L E
(212) 963-0074URGENT

TO: Dennis McNamara/Fabrizio Hochschild

FROM: Soren Jessen-Petersen

DATE: 21 September 1994

Jessen-Petersen

FAX NO:

OUR REF: NYC/FAX/0254

NO. OF PAGES (including this page): 7

PLEASE, FORWARD URGENTLY TO MORJANE

Please, find attached S. Khan's report on his mission to Zaire and Tanzania, which has been discussed with HC/Fouinat. We have already expressed our serious concern over the proposal for Chapter VII action and have been reassured by Goulding/Riza that there is no intention to go to the Security Council with such a proposal but rather it seems likely that a proposal will be made to extend UNAMIR mandate for this specific operation on the basis of an assertive interpretation of the Chapter VI mandate.

In her meetings with Goulding and Kouyate tomorrow and at IASC on Friday, HC will have opportunity to comment on recommendation a) i.e. what kind of Security Council backing do we need, and in relation to recommendation f) again insist on clear division of responsibilities and politely suggest that this is not, repeat not, a UNAMIR responsibility but, of course, HCR's task.

Best regards

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - KIGALI

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MOST IMMEDIATE

H.E. MR. BOUTROS BOUTROS GHALI
SECRETARY-GENERAL, UNATIONS, NEW YORK

ANNAN, UNATIONS, NEW YORK

GOULDING/AIME/HANSEN, UNATIONS, NEW YORK
KITTANI/GAREKHAN, UNATIONS, NEW YORK

SHAHARYAR KHAN, UNAMIR, KIGALI

19 SEPTEMBER 1994

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SEP 19 1994

VISIT TO ZAIRE/TANZANIA AS SPECIAL ENVOY
TO THE SECRETARY-GENERAL OF THE UN

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KK

1. I visited Zaire as your Special Envoy from Monday 12th - Wednesday 14th September. On 16th I was received by President Mwinyi in Zanzibar. During my visit to Zaire, I had an audience with President Mobutu in Gbadolite and called on Prime Minister Kengo Wa Nduko in Kinshasa. I also held discussions with the Ministers of Defence, Deputy Interior, Foreign Affairs and Deputy Justice as also with the Heads of Mission of USA, Belgium and France. In this report, I have summarised the main issues discussed in Zaire. Separately, I am sending a more detailed account of my talks. Among my senior advisors, I was accompanied by Mr Michel Moussali (UNHCR), Brig. Anyidoho, Deputy Force Commander and Ms. Isel Rivero (Senior Political Affairs Officer). Unfortunately, the Vice-Premier and Minister of Justice, Kamanda Wa Kamanda was abroad but Mr. Mousalli, who stayed on in Kinshasa met him and has reported to me.
2. From President Mobutu down to the Ministers, there was a clear commitment to address the refugee crisis. Prime Minister Kengo Wa Nduko was the most incisive in seeking a detailed solution by separating the political and military elements from the common folk in the camps and for the process to be taken in hand immediately. President Mobutu also agreed with the concept but placed greater emphasis on the Rwandese government providing guarantees to returning refugees. It was evident that, despite political sympathies for the RGF, the damage by the refugees to Zaire's economy, social fabric, ecology, and the political environment is so great, that the government favoured an early return of the refugees to their homes.

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3. Prime Minister Kengo Wa Ndondo told me that he had written three letters to you seeking UN's help in alleviating the refugee problem for Zaire. He said that the refugees were causing havoc to the economy, ecology and the political stability of the region and that Zaire did not have the means to address the problem. He wanted the senior RGF leadership to be removed from the camps and to be transferred to foreign countries, preferably Franco-phone African countries, because he did not wish to be accused of Zaire's complicity with "rebel elements" by the Rwandese government. He felt that the transfer of the military element to new camps located at a sufficient distance from Goma/Bukavu would constitute an important first step in resolving the crisis. The Prime Minister recognized that it was the militia, the Presidential Guard and the lower political echelons rather than the army that represented the greatest intimidating threat for returning refugees and that they would need to be effectively suppressed. Nevertheless, the separation of the military from the rest would significantly reduce the effectiveness of the militia. When I raised the vital issue of security, the Prime Minister agreed, frankly, that the Zairian armed forces could not handle the problem which would have to be undertaken by the UN or an international force. The Zairian army could assist in the operation. The Prime Minister said he was prepared to make a request for a UN force at any time.

4. President Mobutu received me cordially at his residence in Gbadolite. After I had given a resume of my discussions with the Prime Minister and other Ministers, he told me that he had been briefed by the Defence Minister on our discussions. He agreed with the conclusion that refugees needed to be moved to new camp sites and that the international community needed to provide financial and logistic support for the transfer. He felt that UN and Zaire armed forces could jointly oversee the operation. As regards the return of the bulk of refugees, President Mobutu felt that effective guarantees to them by the Rwandese government was a crucial factor. "They are all politicised" he said and without genuine assurances of their rights, they would not return. However, President Mobutu favoured the opening of new camp sites at an appropriate distance from the border.

REFUGEES CATEGORIES

5. In my discussions with Zairian leaders, I defined the refugees into the following four categories:

a) The Political Leadership

6. It was agreed that the senior leadership (President, Prime Minister, Chief of staff Ministers and their families) needed to be found asylum in a country other than Zaire, preferably a Franco-phone, African country. Zairian leaders were insistent that the continued presence of RGF leaders in Zaire would lead to accusations of political support to them. A survey of these leaders and their families needs to be made. I anticipate less than 50 such heads of family.

b) The Military

7. The Prime Minister estimated that about 16,000 uniformed military were being given shelter in the camps. Most of them had been disarmed but some were armed as they came through forests and secondary unsupervised roads. Subsequently, the Defence Minister stated that most of the military personnel were accompanied by their families and that a survey may

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lead to about 80-90,000 persons being placed in this category. I pointed out that although the two armies had fought each other in the civil war, the RPA regarded the RGF army as the least guilty of crimes and that recently the RPA had made gestures of reconciliation towards the army and had opened enrolment centres in the Western sector which had received a fair response from remnants of the RFG. Thus, the RGF military continued to be regarded in a relatively favourable light and it was conceivable that once settled in their new camps, RPA may make a move to enrol members of the RGF into a national army.

c. The Militia, Interhamwe and lower Politicised Echelons

8. It was agreed that this category was the most politicised, violent and intransigent element in the camps. The Prime Minister aptly described their activities as setting up highly politicised prefectures in the camps, as was the case in Tanzania. It was this category that was intimidating and even killing prospective returnees. They represented the most difficult element in an attempt to seek reconciliation and the return of refugees. This group, was not in uniform and would react violently to any attempt to separate the camps. Both sides agreed that it was necessary to discreetly identify these elements in the camps. The Deputy Interior Minister informed us that this process has already been started. It was also agreed that a show of strength would be necessary to restrain this category at the time of refugee transfer to new camps. It was felt that the removal of the uniformed military would deal a severe blow to the morale of category (c) which, instead of reacting openly may seek to operate clandestinely. The Zairians were also of the view that, while the other three categories would be expected to leave Zaire, this category was likely to remain as they would be seen as "criminals" by Rwanda and possibly by a future International genocide tribunal.

d. The Common Folk

9. Although President Mobutu referred to all refugees as "politicised", there was general agreement that, free of intimidation in the camps, reassured of fair treatment and restoration of property rights, this category of refugees, representing the vast majority, would return home. Radio broadcasts to the camps, a carefully calibrated campaign, visits to the camps by Rwandese Ministers and information on UN material support would act as a catalyst to refugee return.

10. It was agreed during the talks that the first step in the repatriation of refugees was to separate categories a & b above from the rest.

LOCATION OF NEW CAMP-SITES

11. It was further agreed that new camp-sites for category (b) should be found at an appropriate distance from the Zaire-Rwanda border (as also the Zaire-Burundi border). The Prime Minister and Defence Minister mentioned two sites which had the advantage of being former military camps (now unused) and being near air-fields. The Interior Minister suggested sites in the West (i.e. across the country near Kinshasa) and in Equator Province (half way across). President Mobutu underlined the need to place the camps at a sufficient distance from the present camps, as otherwise there would be accusations of Zaire training the army to re-invade Rwanda. While there is consensus that new camp-sites sufficiently distant from Goma and Bukavu should be located, there is no firm decision as yet regarding their exact location. Moreover, the number of sites would depend on the number in category

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(b).

Logistic and Financial support

12. Zaire looks to the UN and the international community to provide the logistic and financial support for arranging asylum for category (a), for the opening of new camp-sites, and for the on-going expenses for the refugees in Zaire. UNHCR and ICRC are inclined to paying for the running costs, provided the military is disarmed and clad in civilian clothes. The capital costs for the transfer would need to be found by member-states directly (US, France, Belgium, Europe) or by UN.

Security

13. The most difficult and as yet unspecified element in this operation is the need for security, which would be needed from the beginning of the operation to its conclusion. Security would be required to suppress violence by category (c) so that the common folk are able to return home, free from intimidation. Security for Agency officials, Human Rights Observers operating in camps, NGO's and Milobs on the border would also be necessary. It was evident that the Zairian authorities cannot provide this security. In fact, President Mobutu, Prime Minister and all the Ministers admitted that the security would be a major issue in the successful implementation of the exercise and that only the UN could provide it. Zaire would be prepared to make a formal request to the UN and its forces would jointly co-operate with UN to ensure security.

14. To summarize, my discussion with the Zairian leadership has led to the following agreement in principle.

- i) Zaire is prepared to engage in a major effort to repatriate the refugees by taking the first step of transferring categories a & b to new sites.
- ii) Zaire expects logistic and financial support from UN and international community for the operation. Financial support would also need to be forthcoming for the running cost of refugees.
- iii) Zaire realises it cannot provide the security for this operation, and is prepared to request UN for it.
- iv) The operation needed to be mounted quickly (next three months) to avoid hardship in the rainy season and to encourage peasants to return before the next harvest.

15. During my discussions it was evident that while there was agreement in principle to the issues stated above, there was a need to quantify more precisely the extent of the logistic, financial and security support that would be required for the operation. In order to make a more accurate assessment, the Defence Minister and I have agreed to a joint working party which would attempt to make a more precise calculation before the proposal is conveyed to the UN and to member states of the Security Council. The working group would thus, evaluate the following:

- a) The location of the prospective camp-sites.
- b) An assessment of the numbers involved in categories (a) & (b).

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- c) The costs of transferring category (a) to asylum countries and (b) to new camp-sites.
- d) The cost of logistics in the transfer (planes, communications, buses, shelter, health-care, water points etc.)
- e) The running costs.
- f) The deployment of troops, material, communications for the security requirement.

16. This working group will begin its task in Kinshasa next week and will visit the prospective sites and also Goma/Bukavu. I have urged the Defence Minister that an early preliminary assessment should be prepared.

17. In the event of a commitment to financial and logistic support, the critical issue of providing security to the operation would need to be evaluated. The UN could provide the security back-up without significant additional cost by utilising the UNAMIR's existing strength and material support for the operation in Zaire. In a few days, the Rwandese government's take-over of the South West Zone will have been completed. UNAMIR would then have a surplus of force support, especially with the impending addition of Tunisian, Nigerian and Indian contingents. This force could be utilised for the Zaire operation with only marginal additional costs. The operation could either be part of an expanded UNAMIR or preferably a separate operation for Zaire under the command and control of UNAMIR. As violence is expected, the question of providing this force with Chapter 7 authority should be seriously considered.

Recommendations

15. The following recommendations may be considered:-

- a) After the task force's evaluation of new camp sites and logistic/financial support has been received, UN may consider seeking Security Council's backing for the transfer of categories a & b to new sites.
- b) Simultaneously franco-phone African countries may be sounded out for giving asylum to category "a". However, it should be made clear that this asylum would not provide immunity against legal action by a genocide tribunal.
- c) The issue of security being provided by UN or member states should also be considered. If agreed, Zaire would be requested to formally request security for the operation.
- d) If the UN is to provide security, UNAMIR's current strength should be utilised for a separate operation in Zaire.
- e) Chapter VII authority may be considered for the UN force expected to meet a violent reaction to the transfer of refugees to new camps.
- f) The Rwandese government may be urged to commence an enhanced, public campaign for reconciliation and reassurance for returning refugees. UNAMIR should play a central and visible role in providing reassurance at key

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2) points (eg. at border) and to organise humanitarian relief for returning refugees.

g) We should aim to commence the operation before the end of October.

Tanzania

16. On 16th September, I called on President Mwinyi in Zanzibar. In a cordial meeting I explained the basic outline of the plan for separating politicised refugees from the common folk into distant camps. It was urged that there were hardly any refugees belonging to categories a and b in Tanzania. President Mwinyi accepted the rationale of my suggestions and stated that he would discuss the issue with his government and inform me of their decision. I expect the Tanzanian government to watch developments in Zaire and to respond after the situation evolves on the ground on the Zaire-Rwanda border.

7. UN and Zaire government would consider providing security in the transfer to new camps and in ensuring that refugees in existing camps are free from intimidation. While refugees may be encouraged to return home, they must be free to make the decision voluntarily, without harassment from either side.

8. It was agreed that a joint working party would be formed and meet in Kinshasa in the week commencing 19th September 1994, in order to assess the logistic framework of the operation, the location of the sites, the capital and running costs of the camps and the security requirements of the move. The working party would visit the sites involved and submit its report expeditiously.

9. There was a general agreement that the operation of transferring refugees to new sites should be started as early as possible in order to avoid the hardship of the rainy season and to encourage refugees to return to their lands for the next harvest.

10. After the report of the joint working group is received, the issue would be considered by the UN Secretary-General and by the Security Council in New York.



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July -
~~P& McGee, 1910~~

SUBJECT: EXECUTIVE SUMMARY OF DISCUSSIONS HELD IN ZAIRE

1. Please find attached herewith executive summary of discussions held in Kinshasa with the President, Prime Minister, Ministers and also the Ambassadors of USA, France and Belgium.
2. It would be highly appreciated if this summary could be made available to all the above mentioned persons.
4. Best wishes