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RESOLUTIONS

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VIA FACSIMILE

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12 MAR 1996
OFFICE OF THE SRSG
UNAMIR

TO: Ambassador Shaharyar Khan
SRSG,
Kigali,
Rwanda
Fax: 3-3090

FROM: Elisabeth Lindenmayer
UNATIONS,
New York
Fax: 3-6460

DATE: 121 March 1996

Pages: 1 of 4

For your information.

Kind regards.

File security council

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UNITED NATIONS

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Security Council

Distr.
GENERAL

S/RES/1049 (1996)
5 March 1996

RESOLUTION 1049 (1996)

Adopted by the Security Council at its 3639th meeting, on 5 March 1996

The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Burundi, in particular the statement of its President of 5 January 1996 (S/PRST/1996/1) and resolution 1040 (1996) of 29 January 1996,

Noting the views expressed by the Government of Burundi set out in the letter to the President of the Security Council dated 13 February 1996 (S/1996/110, annex),

Welcoming the efforts of the President and the Prime Minister of Burundi and other members of the Government to calm the situation in the country,

Deeply concerned at the support extended to certain groups in Burundi by some of the perpetrators of the genocide in Rwanda and the threat this poses to the stability of the region,

Deeply concerned also at all acts of violence in Burundi and at the continued incitement to ethnic hatred and violence by radio stations and the growth of calls for exclusion and genocide,

Deeply disturbed that the persistence of the conflict has had a negative impact on the humanitarian situation and on the capacity of the international community to continue to assist the people of Burundi,

Supporting the work of the Commission of Inquiry established by resolution 1012 (1995),

Taking note of the letter from the Secretary-General to the President of the Council dated 3 January 1996 (S/1996/8), in which he reports that the Commission of Inquiry believes the United Nations security personnel currently provided for its protection are inadequate,

Reiterating the urgent need for all concerned in Burundi, including extremists inside and outside the country, to make concerted efforts to defuse the present crisis and to commit themselves to a dialogue aimed at establishing a permanent political settlement and the creation of conditions conducive to national reconciliation,

Reaffirming its commitment to assist the people of Burundi to achieve a lasting political solution,

Recognizing the urgent need for preparations aimed at anticipating and preventing the escalation of the present crisis in Burundi,

Reaffirming its support for the Convention of Government of 10 September 1994 (S/1995/190, annex), and for the institutions of Government established in line with it,

1. Welcomes the report of the Secretary-General of 15 February 1996 (S/1996/116);

2. Condemns in the strongest terms all acts of violence perpetrated against civilians, refugees and international humanitarian personnel and the assassination of government officials;

3. Demands that all concerned in Burundi refrain from all acts of violence, incitement to violence and from seeking to destabilize the security situation or depose the Government by force or by other unconstitutional means;

4. Calls upon all concerned in Burundi to engage, as a matter of urgency, in serious negotiations and mutual accommodation within the framework of the National Debate agreed upon by the signatories to the Convention and to increase efforts towards national reconciliation;

5. Reiterates its invitation to Member States and others to cooperate in the identification and dismantling of radio stations which incite hatred and acts of violence in Burundi;

6. Requests the Secretary-General, in consultation with interested States and organizations, to report to the Council on the possibility of establishing a United Nations radio station in Burundi, including through voluntary contributions, to promote reconciliation and dialogue and to relay constructive information as well as supporting the activities undertaken by other United Nations agencies, particularly in the fields of refugees and returnees;

7. Calls upon all parties to cooperate fully with the Commission of Inquiry, reminds the Government of Burundi of its responsibility to ensure security and protection for members and personnel of the Commission, requests the Secretary-General to continue his consultations with the Government of Burundi and the Organization of African Unity Observer Mission in Burundi with a view to ensure that adequate security is provided for the Commission, and invites Member States to provide adequate voluntary financing [illegible]

[illegible] Presidents Nyerere and Carter and the other

Unity, the European Union, former Presidents Nyerere and Carter and the other facilitators appointed by the Cairo Conference, and others seeking to facilitate political dialogue in Burundi and encourages the international community to extend political and financial support to the National Debate;

9. Invites Member States and regional, international and non-governmental organizations to stand ready to provide assistance in support of progress achieved by the parties towards political dialogue, and to cooperate with the Government of Burundi in initiatives for comprehensive rehabilitation in Burundi, including in military and police reform, judicial assistance, development programmes and support at international financial institutions;

10. Encourages the Organization of African Unity to increase the size of its Observer Mission in Burundi, as formally requested by the Government of Burundi, and stresses the need for the military observers to operate without any restrictions on their movement to any part of the country;

11. Declares its commitment and readiness to assist the parties in their implementation of agreements reached through political dialogue;

12. Requests the Secretary-General, in consultation as appropriate with the Government of Burundi, the Heads of State of the Great Lakes Region, Member States concerned, the Organization of African Unity and the European Union, to intensify the preparations for convening a Regional Conference for Peace, Security and Development in the Great Lakes Region to address the issues of political and economic stability, as well as peace and security in the Great Lakes States;

13. Encourages the Secretary-General to continue his consultations with Member States concerned and the Organization of African Unity, as appropriate, on contingency planning both for the steps that might be taken to support a comprehensive dialogue and for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi;

14. Decides to keep the situation under constant review, to consider further the Secretary-General's recommendations in light of the developments in Burundi and declares its readiness to respond as appropriate considering all relevant options including those contained in resolution 1040 (1996);

15. Requests the Secretary-General to keep the Council closely informed on the situation in Burundi, including on his efforts to facilitate a comprehensive political dialogue, to report to the Council in the event of a serious deterioration in the situation, and to submit a full report on the implementation of this resolution by 1 May 1996;

16. Decides to remain seized of the matter.

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SECURITY COUNCIL
DISTR.
GENERAL
S/RES/1050 (1996)
8 MARCH 1996

RESOLUTION 1050 (1996)
ADOPTED BY THE SECURITY COUNCIL AT ITS 3640TH MEETING, ON 8 MARCH 1996

THE SECURITY COUNCIL,

RECALLING ITS PREVIOUS RESOLUTIONS ON THE SITUATION IN RWANDA,

HAVING CONSIDERED THE REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (UNAMIR) OF 29 FEBRUARY 1996 (S/1996/149),

WELCOMING THE LETTER OF 1 MARCH 1996 FROM THE MINISTER OF FOREIGN AFFAIRS AND COOPERATION OF RWANDA TO THE SECRETARY-GENERAL (S/1996/176, ANNEX),

PAYING TRIBUTE TO THE WORK OF UNAMIR AND TO THE PERSONNEL WHO HAVE SERVED IN IT,

STRESSING THE CONTINUED IMPORTANCE OF THE VOLUNTARY AND SAFE REPATRIATION OF RWANDAN REFUGEES AND OF GENUINE NATIONAL RECONCILIATION,

EMPHASIZING THE IMPORTANCE IT ATTACHES TO THE ROLE AND RESPONSIBILITY OF THE GOVERNMENT OF RWANDA IN PROMOTING A CLIMATE OF CONFIDENCE, SECURITY AND TRUST AND THE SAFE RETURN OF RWANDAN REFUGEES,

EMPHASIZING ALSO THE IMPORTANCE IT ATTACHES TO STATES ACTING IN ACCORDANCE WITH THE RECOMMENDATIONS ADOPTED BY THE REGIONAL CONFERENCE ON ASSISTANCE TO REFUGEES, RETURNEES AND DISPLACED PERSONS HELD IN BUJUMBURA IN FEBRUARY 1995, THE SUMMIT OF HEADS OF STATES OF THE GREAT LAKES REGION HELD IN CAIRO ON 28-29 NOVEMBER 1995, AND THE FOLLOW-UP CONFERENCE OF 29 FEBRUARY 1996 HELD IN ADDIS ABABA, AND THE IMPORTANCE IT ATTACHES TO THE CONTINUATION OF EFFORTS TO CONVENE A REGIONAL CONFERENCE FOR PEACE, SECURITY AND DEVELOPMENT IN THE GREAT LAKES REGION,

ENCOURAGING ALL STATES TO COOPERATE FULLY WITH THE INTERNATIONAL COMMISSION ON INQUIRY ESTABLISHED BY RESOLUTION 1013 (1995) OF 7 SEPTEMBER 1995,

RECOGNIZING THE IMPORTANCE OF THE HUMAN RIGHTS FIELD OPERATION IN RWANDA IN CONTRIBUTING TO THE ESTABLISHMENT OF CONFIDENCE IN THE COUNTRY, AND CONCERNED THAT IT MAY NOT BE POSSIBLE TO MAINTAIN ITS PRESENCE THROUGHOUT RWANDA UNLESS SUFFICIENT FUNDS FOR THAT PURPOSE ARE SECURED IN THE VERY NEAR FUTURE,

CONCERNED ALSO TO ENSURE THE EFFECTIVE OPERATION OF THE INTERNATIONAL TRIBUNAL FOR RWANDA ESTABLISHED BY RESOLUTION 955 (1994) OF 8 NOVEMBER 1994,

COMMENDING THE CONTINUING EFFORTS OF THE GOVERNMENT OF RWANDA TO MAINTAIN PEACE AND SECURITY AS WELL AS TO RECONSTRUCT AND REHABILITATE THE COUNTRY,

STRESSING ITS CONCERN THAT THE UNITED NATIONS SHOULD

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CONTINUE TO PLAY AN ACTIVE ROLE IN ASSISTING THE GOVERNMENT OF RWANDA IN PROMOTING THE RETURN OF REFUGEES, IN CONSOLIDATING A CLIMATE OF CONFIDENCE AND STABILITY AND IN PROMOTING THE REHABILITATION AND RECONSTRUCTION OF RWANDA,

REITERATING THE RESPONSIBILITY OF THE GOVERNMENT OF RWANDA FOR THE SAFETY AND SECURITY OF ALL UNITED NATIONS PERSONNEL AND OTHER INTERNATIONAL STAFF SERVING IN THE COUNTRY,

1. TAKES NOTE OF THE ARRANGEMENTS MADE BY THE SECRETARY-GENERAL FOR THE WITHDRAWAL, STARTING ON 9 MARCH 1996, OF UNAMIR PURSUANT TO ITS RESOLUTION 1029 (1995) OF 12 DECEMBER 1995;

2. AUTHORIZES ELEMENTS OF UNAMIR REMAINING IN RWANDA PRIOR TO THEIR FINAL WITHDRAWAL TO CONTRIBUTE, WITH THE AGREEMENT OF THE GOVERNMENT OF RWANDA, TO THE PROTECTION OF THE PERSONNEL AND PREMISES OF THE INTERNATIONAL TRIBUNAL FOR RWANDA;

3. WELCOMES THE INTENTION OF THE SECRETARY-GENERAL TO SUBMIT RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING UNAMIR NON-LETHAL EQUIPMENT THAT MAY BE RELEASED FOR USE IN RWANDA IN ACCORDANCE WITH PARAGRAPH 7 OF ITS RESOLUTION 1029 (1995) AND CALLS UPON THE GOVERNMENT OF RWANDA TO TAKE ALL NECESSARY STEPS TO ENSURE THAT UNAMIR PERSONNEL, AND EQUIPMENT WHICH IS NOT REMAINING IN RWANDA, CAN BE WITHDRAWN WITHOUT IMPEDIMENT AND IN AN ORDERLY AND SAFE MANNER;

4. ENCOURAGES THE SECRETARY-GENERAL, IN AGREEMENT WITH THE GOVERNMENT OF RWANDA, TO MAINTAIN IN RWANDA A UNITED NATIONS OFFICE, TO BE HEADED BY HIS SPECIAL REPRESENTATIVE AND TO INCLUDE THE PRESENT UNITED NATIONS COMMUNICATIONS SYSTEM AND RADIO STATION, FOR THE PURPOSE OF SUPPORTING THE EFFORTS OF THE GOVERNMENT OF RWANDA TO PROMOTE NATIONAL RECONCILIATION, STRENGTHEN THE JUDICIAL SYSTEM, FACILITATE THE RETURN OF REFUGEES AND REHABILITATE THE COUNTRY'S INFRASTRUCTURE, AND OF COORDINATING THE UNITED NATIONS EFFORTS TO THAT END;

5. COMMENDS THE EFFORTS OF STATES, INCLUDING NEIGHBOURING STATES, THE UNITED NATIONS AND ITS AGENCIES, THE EUROPEAN UNION AND NON-GOVERNMENTAL ORGANIZATIONS WHICH HAVE PROVIDED HUMANITARIAN ASSISTANCE TO REFUGEES AND DISPLACED PERSONS, AND UNDERLINES THE IMPORTANCE IT ATTACHES TO CONTINUED EFFORTS BY THE GOVERNMENT OF RWANDA, NEIGHBOURING STATES, THE INTERNATIONAL COMMUNITY AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES TO FACILITATE THE EARLY, SAFE, VOLUNTARY AND ORGANIZED RETURN OF RWANDAN REFUGEES TO THEIR OWN COUNTRY IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE BUJUMBURA CONFERENCE;

6. CALLS UPON STATES AND ORGANIZATIONS TO CONTINUE TO GIVE ASSISTANCE FOR THE RECONSTRUCTION OF RWANDA AND THE REHABILITATION OF THE INFRASTRUCTURE OF THE COUNTRY, INCLUDING THE RWANDAN JUSTICE SYSTEM, DIRECTLY OR THROUGH THE UNITED NATIONS TRUST FUNDS FOR RWANDA, AND INVITES THE SECRETARY-GENERAL TO CONSIDER WHETHER THERE IS A NEED TO ADJUST THE SCOPE AND PURPOSES OF THOSE FUNDS TO BRING THEM INTO LINE WITH CURRENT REQUIREMENTS;

7. CALLS ALSO UPON STATES TO CONTRIBUTE URGENTLY TO THE COSTS OF THE HUMAN RIGHTS FIELD OPERATION IN RWANDA, AND ENCOURAGES THE SECRETARY-GENERAL TO CONSIDER WHAT STEPS MIGHT BE TAKEN TO PLACE THE OPERATION ON A MORE SECURE FINANCIAL BASIS;

8. REQUESTS THE SECRETARY-GENERAL TO REPORT TO THE COUNCIL BY 5 APRIL 1996 ON WHAT ARRANGEMENTS HAVE BEEN AGREED WITH THE GOVERNMENT OF RWANDA FOR THE PROTECTION OF THE PERSONNEL AND PREMISES OF THE INTERNATIONAL TRIBUNAL FOR RWANDA AFTER THE

WITHDRAWAL OF UNAMIR AND ON THE ARRANGEMENTS HE HAS MADE PURSUANT TO PARAGRAPH 4 ABOVE, AND TO KEEP THE COUNCIL CLOSELY INFORMED THEREAFTER OF DEVELOPMENTS IN THE SITUATION:

9. DECIDES TO REMAIN SEIZED OF THE MATTER.

END OF PART 1 OF 1
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File Security Council

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UNITED
NATIONS
SECURITY COUNCIL
DISTR.
GENERAL
S/1996/82
2 FEBRUARY 1996
ORIGINAL: ENGLISH

LETTER DATED 1 FEBRUARY 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 918 (1994) CONCERNING RWANDA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I HAVE THE HONOUR TO TRANSMIT HEREWITH THE REPORT OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 918 (1994) CONCERNING RWANDA, CONTAINING AN ACCOUNT OF THE COMMITTEE'S ACTIVITIES SINCE ITS ESTABLISHMENT UNTIL 31 DECEMBER 1995. THE PRESENT REPORT, WHICH WAS ADOPTED BY THE COMMITTEE UNDER THE NO-OBJECTION PROCEDURE ON 26 JANUARY 1996, IS BEING SUBMITTED IN ACCORDANCE WITH THE NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL OF 29 MARCH 1995 (S/1995/234).

(SIGNED) NUGROHO WISNUMURTI
CHAIRMAN
SECURITY COUNCIL COMMITTEE ESTABLISHED
PURSUANT TO RESOLUTION 918 (1994) CONCERNING RWANDA

ANNEX

REPORT OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 918 (1994) CONCERNING RWANDA

I. INTRODUCTION

1. BY ITS RESOLUTION 918 (1994) OF 17 MAY 1994, THE SECURITY COUNCIL, ACTING UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS, IMPOSED MANDATORY SANCTIONS AGAINST RWANDA, RELATING TO THE SALE OR SUPPLY TO RWANDA OF ARMS AND RELATED MATERIEL OF ALL TYPES, INCLUDING WEAPONS AND AMMUNITION, MILITARY VEHICLES AND EQUIPMENT, PARAMILITARY POLICE EQUIPMENT AND SPARE PARTS.

2. BY PARAGRAPH 14 OF THE SAME RESOLUTION, THE SECURITY COUNCIL ESTABLISHED A COMMITTEE CONSISTING OF ALL MEMBERS OF THE COUNCIL TO UNDERTAKE THE FOLLOWING TASKS AND TO REPORT ON ITS WORK TO THE COUNCIL WITH ITS OBSERVATIONS AND RECOMMENDATIONS:

(A) TO SEEK FROM ALL STATES INFORMATION REGARDING THE ACTION TAKEN BY THEM CONCERNING THE EFFECTIVE IMPLEMENTATION OF THE EMBARGO IMPOSED BY PARAGRAPH 13 OF RESOLUTION 918 (1994);

(B) TO CONSIDER ANY INFORMATION BROUGHT TO ITS ATTENTION BY STATES CONCERNING VIOLATIONS OF THE EMBARGO, AND IN THAT CONTEXT TO MAKE RECOMMENDATIONS TO THE COUNCIL ON WAYS OF INCREASING THE EFFECTIVENESS OF THE EMBARGO;

(C) TO RECOMMEND APPROPRIATE MEASURES IN RESPONSE TO VIOLATIONS OF THE EMBARGO IMPOSED BY PARAGRAPH 13 OF

SRSG FC and spokesman

RESOLUTION 918 (1994) AND PROVIDE INFORMATION ON A REGULAR BASIS TO THE SECRETARY-GENERAL FOR GENERAL DISTRIBUTION TO MEMBER STATES.

3. THE COMMITTEE'S BUREAU, AS ELECTED AT ITS FIRST MEETING OF EACH YEAR, CONSISTS OF A CHAIRMAN AND TWO VICE-CHAIRMEN. THE CHAIRMAN IS ELECTED IN HIS/HER PERSONAL CAPACITY FOR THE CALENDAR YEAR. IN 1995, THE BUREAU CONSISTED OF MR. NUGROHO WISNUMURTI (INDONESIA) AS CHAIRMAN, WITH THE DELEGATIONS OF BOTSWANA AND ITALY PROVIDING THE TWO VICE-CHAIRMEN.

4. THE COMMITTEE ADOPTED THE PRESENT REPORT, UNDER THE NO-OBJECTION PROCEDURE, ON 26 JANUARY 1996. THE PURPOSE OF THE REPORT IS TO PRESENT A FACTUAL SUMMARY OF THE COMMITTEE'S ACTIVITIES SINCE ITS ESTABLISHMENT IN 1994 UNTIL 31 DECEMBER 1995, DURING WHICH TIME THE COMMITTEE HAS HELD FOUR MEETINGS.

II. SUBSEQUENT ACTION BY THE SECURITY COUNCIL

5. IN OPERATIVE PARAGRAPH 4 OF ITS RESOLUTION 997 (1995) OF 9 JUNE 1995, THE SECURITY COUNCIL AFFIRMED THAT THE RESTRICTIONS IMPOSED BY RESOLUTION 918 (1994) APPLIED TO THE SALE OR SUPPLY OF ARMS AND MATERIEL SPECIFIED THEREIN TO PERSONS IN THE STATES NEIGHBOURING RWANDA, IF THAT SALE OR SUPPLY IS FOR THE PURPOSE OF THE USE OF SUCH ARMS OR MATERIEL WITHIN RWANDA. IN OPERATIVE PARAGRAPH 5 OF THE SAME RESOLUTION, THE COUNCIL CALLED UPON NEIGHBOURING STATES TO TAKE STEPS, WITH THE AIM OF PUTTING AN END TO FACTORS CONTRIBUTING TO THE DESTABILIZATION OF RWANDA, TO ENSURE THAT SUCH ARMS AND MATERIEL ARE NOT TRANSFERRED TO RWANDAN CAMPS WITHIN THEIR TERRITORIES. IN OPERATIVE PARAGRAPH 6, THE COUNCIL REQUESTED THE SECRETARY-GENERAL TO CONSULT THE GOVERNMENTS OF NEIGHBOURING COUNTRIES ON THE POSSIBILITY OF THE DEPLOYMENT OF UNITED NATIONS MILITARY OBSERVERS, AND TO CONSULT, AS A MATTER OF PRIORITY, THE GOVERNMENT OF ZAIRE ON THE DEPLOYMENT OF OBSERVERS, INCLUDING IN THE AIRFIELDS LOCATED IN EASTERN ZAIRE, IN ORDER TO MONITOR THE SALE OR SUPPLY OF ARMS AND MATERIEL.

6. BY ITS RESOLUTION 1005 (1995) OF 17 JULY 1995, THE SECURITY COUNCIL, ACTING UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS, DECIDED THAT, NOTWITHSTANDING THE RESTRICTIONS IMPOSED IN PARAGRAPH 13 OF RESOLUTION 918 (1994), APPROPRIATE AMOUNTS OF EXPLOSIVES INTENDED EXCLUSIVELY FOR USE IN ESTABLISHED HUMANITARIAN DEMINING PROGRAMMES MAY BE SUPPLIED TO RWANDA UPON APPLICATION TO AND AUTHORIZATION BY THE COMMITTEE.

7. ON 16 AUGUST 1995, THE SECURITY COUNCIL ADOPTED RESOLUTION 1011 (1995). IN SECTION B OF THAT RESOLUTION, THE SECURITY COUNCIL, ACTING UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS, DECIDED THAT:

(A) WITH IMMEDIATE EFFECT AND UNTIL 1 SEPTEMBER 1996, THE RESTRICTIONS IMPOSED BY PARAGRAPH 13 OF RESOLUTION 918 (1994) SHALL NOT APPLY WITH REGARD TO THE SALE OR SUPPLY OF ARMS AND RELATED MATERIEL TO THE GOVERNMENT OF RWANDA (PARA. 7);

(B) ON 1 SEPTEMBER 1996, THE RESTRICTIONS IMPOSED BY PARAGRAPH 13 OF RESOLUTION 918 (1994) ON THE SALE OR SUPPLY OF ARMS AND RELATED MATERIEL TO THE GOVERNMENT OF RWANDA SHALL TERMINATE, UNLESS THE COUNCIL DECIDES OTHERWISE AFTER ITS CONSIDERATION OF THE SECOND REPORT OF THE SECRETARY-GENERAL REFERRED TO IN PARAGRAPH 12 OF RESOLUTION 1011 (1995) (PARA. 8);

(C) WITH A VIEW TO PROHIBITING THE SALE AND SUPPLY OF ARMS AND RELATED MATERIEL TO NON-GOVERNMENTAL FORCES FOR USE IN RWANDA, ALL STATES SHALL CONTINUE TO PREVENT THE SALE OR SUPPLY, BY THEIR NATIONALS OR FROM THEIR TERRITORIES OR USING

THEIR FLAG VESSELS OR AIRCRAFT, OF ARMS AND RELATED MATERIEL OF ALL TYPES, INCLUDING WEAPONS AND AMMUNITION, MILITARY VEHICLES AND EQUIPMENT, PARAMILITARY POLICE EQUIPMENT AND SPARE PARTS, TO RWANDA, OR TO PERSONS IN THE STATES NEIGHBOURING RWANDA IF SUCH SALE OR SUPPLY IS FOR THE PURPOSE OF THE USE OF SUCH ARMS OR MATERIEL WITHIN RWANDA, OTHER THAN TO THE GOVERNMENT OF RWANDA AS SPECIFIED IN PARAGRAPHS 7 AND 8 OF THE RESOLUTION (PARA. 9):

(D) NO ARMS OR RELATED MATERIEL SOLD OR SUPPLIED TO THE GOVERNMENT OF RWANDA MAY BE RESOLD TO, TRANSFERRED TO OR MADE AVAILABLE FOR USE BY ANY STATE NEIGHBOURING RWANDA OR PERSON NOT IN THE SERVICE OF THE GOVERNMENT OF RWANDA, EITHER DIRECTLY OR INDIRECTLY (PARA. 10);

(E) STATES SHALL NOTIFY THE COMMITTEE ESTABLISHED BY RESOLUTION 918 (1994) OF ALL EXPORTS FROM THEIR TERRITORIES OF ARMS OR RELATED MATERIEL TO RWANDA, THE GOVERNMENT OF RWANDA SHALL MARK AND REGISTER AND NOTIFY THE COMMITTEE OF ALL IMPORTS MADE BY IT OF ARMS AND RELATED MATERIEL AND THE COMMITTEE SHALL REPORT REGULARLY TO THE COUNCIL ON NOTIFICATIONS SO RECEIVED (PARA. 11).

THE COUNCIL ALSO REQUESTED THE SECRETARY-GENERAL TO REPORT TO IT WITHIN 6 MONTHS OF THE DATE OF ADOPTION OF THE RESOLUTION, AND AGAIN WITHIN 12 MONTHS, REGARDING, IN PARTICULAR, THE EXPORT OF ARMS AND RELATED MATERIEL REFERRED TO IN PARAGRAPH 7 OF THE RESOLUTION, ON THE BASIS OF THE REPORTS SUBMITTED BY THE COMMITTEE ESTABLISHED BY RESOLUTION 918 (1994) (PARA. 12).

8. ON 7 SEPTEMBER 1995, THE SECURITY COUNCIL ADOPTED RESOLUTION 1013 (1995), BY WHICH IT ESTABLISHED AN INTERNATIONAL COMMISSION OF INQUIRY. OPERATIVE PARAGRAPH 3 OF THE RESOLUTION REQUIRES THE COMMITTEE ESTABLISHED BY RESOLUTION 918 (1994) TO MAKE AVAILABLE TO THE INTERNATIONAL COMMISSION OF INQUIRY INFORMATION RELATING TO THE SALE OR SUPPLY OF ARMS AND RELATED MATERIEL TO FORMER RWANDAN GOVERNMENT FORCES IN THE GREAT LAKES REGION IN VIOLATION OF COUNCIL RESOLUTIONS 918 (1994), 997 (1995) AND 1011 (1995).

III. SUMMARY OF THE ACTIVITIES OF THE COMMITTEE DURING THE REPORTING PERIOD

9. AT ITS 3RD MEETING, ON 19 JULY 1995, THE COMMITTEE ADOPTED THE GUIDELINES FOR THE CONDUCT OF ITS WORK, TAKING INTO ACCOUNT THE PROVISIONS OF RESOLUTIONS 918 (1994), 997 (1995) AND 1005 (1995), WHICH WERE TRANSMITTED TO ALL STATES AND INTERNATIONAL ORGANIZATIONS ON 21 JULY 1995. FURTHERMORE, BY MEANS OF A PRESS RELEASE ISSUED ON 27 JULY 1995, THE COMMITTEE MADE AN APPEAL TO GOVERNMENTS, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS, AS WELL AS INDIVIDUALS, TO PROVIDE ANY INFORMATION THEY MAY HAVE ON VIOLATIONS OR SUSPECTED VIOLATIONS OF THE EMBARGO IMPOSED AGAINST RWANDA (UNITED NATIONS PRESS RELEASE SC/6074).

10. AT THE SAME MEETING, THE COMMITTEE ALSO CONSIDERED AND APPROVED A REQUEST RECEIVED PURSUANT TO RESOLUTION 1005 (1995) FROM THE UNITED STATES OF AMERICA FOR THE SUPPLY OF A QUANTITY OF EXPLOSIVES AND RELATED MATERIALS FOR USE IN A BILATERAL HUMANITARIAN DEMINING ASSISTANCE PROGRAMME (UNITED NATIONS PRESS RELEASE S/6071).

11. FOLLOWING THE ADOPTION OF SECURITY COUNCIL RESOLUTION 1011 (1995), THE COMMITTEE, AT ITS 4TH MEETING, HELD ON 10 OCTOBER 1995, ADOPTED THE NEW CONSOLIDATED GUIDELINES, WHICH INCORPORATE THE RELEVANT PROVISIONS OF SECTION B OF RESOLUTION 1011 (1995). THE NEW CONSOLIDATED GUIDELINES WERE TRANSMITTED

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UNITED
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GENERAL ASSEMBLY
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S/1996/71
30 JANUARY 1996
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY SECURITY COUNCIL
FIFTIETH SESSION FIFTY-FIRST YEAR
AGENDA ITEM 10
REPORT OF THE SECRETARY-GENERAL ON
THE WORK OF THE ORGANIZATION

LETTER DATED 18 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

FOLLOWING THE ISSUANCE OF YOUR SUPPLEMENT TO AN AGENDA FOR PEACE (A/50/60S/1995/1), THE PRESIDENT OF THE SECURITY COUNCIL, IN HIS STATEMENT OF 22 FEBRUARY 1995, INVITED MEMBER STATES TO PRESENT FURTHER REFLECTIONS ON UNITED NATIONS OPERATIONS IN THE AREA OF INTERNATIONAL PEACE AND SECURITY.

ATTACHED IS FRANCE'S CONTRIBUTION TO THE CONSIDERATION OF THIS IMPORTANT QUESTION (SEE ANNEX).

I SHOULD BE GRATEFUL IF YOU WOULD HAVE THIS LETTER AND ITS ANNEX CIRCULATED AS A DOCUMENT OF THE GENERAL ASSEMBLY, UNDER THE ITEM ENTITLED "REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION", AND OF THE SECURITY COUNCIL.

(SIGNED) ALAIN DEJAMMET

ANNEX

SUPPLEMENT TO AN AGENDA FOR PEACE
AIDE-MEMOIRE BY FRANCE

FRANCE WELCOMED THE ISSUANCE ON 3 JANUARY 1995 OF THE SUPPLEMENT TO AN AGENDA FOR PEACE BY THE SECRETARY-GENERAL OF THE UNITED NATIONS. IT BELIEVES THAT THIS REPORT, WHICH TAKES INTO ACCOUNT THE EXPERIENCE ACQUIRED OVER THE PAST TWO YEARS, MAKES A VALUABLE CONTRIBUTION TO THE DISCUSSION ON THIS SUBJECT.

PURSUANT TO THE INVITATION EXTENDED BY THE PRESIDENT OF THE SECURITY COUNCIL IN HIS STATEMENT OF 22 FEBRUARY 1995, AND BY WAY OF SUPPLEMENTING THE AIDE-MEMOIRE ISSUED BY FRANCE FOLLOWING THE PUBLICATION OF AN AGENDA FOR PEACE, THE FRENCH GOVERNMENT WISHES TO PRESENT THE FOLLOWING REFLECTIONS ON UNITED NATIONS OPERATIONS IN THE AREA OF INTERNATIONAL PEACE AND SECURITY.

I. A DETAILED LOOK AT THE NATURE OF PEACEMAKING AND CONFLICT-MODERATION OPERATIONS

SRSG FC CAO Spokesman

IN HIS SUPPLEMENT TO AN AGENDA FOR PEACE, THE SECRETARY-GENERAL OF THE UNITED NATIONS, SPEAKING IN THE CONTEXT OF UNITED NATIONS OPERATIONS IN THE AREA OF INTERNATIONAL PEACE AND SECURITY, DRAWS A DISTINCTION BETWEEN PREVENTIVE DIPLOMACY AND DEPLOYMENT, PEACEMAKING (BY DIPLOMATIC MEANS), PEACE-KEEPING (STRICTO SENSU), POST-CONFLICT PEACE-BUILDING (CHIEFLY THROUGH DISARMAMENT OF THE PARTIES AND RESTORATION OF POLITICAL AND ECONOMIC STRUCTURES AND THE SOCIAL FABRIC) AND ENFORCEMENT ACTION.

FRANCE FULLY ENDORSES THIS LIST OF CATEGORIES. HOWEVER, IT WOULD PROPOSE ADDING TO THE LIST IN ORDER TO REFLECT MORE ACCURATELY THE NATURE OF OPERATIONS THAT ARE DEPLOYED BEFORE A CONFLICT HAS ENDED AND ARE INTENDED TO RESTORE PEACE OR MODERATE THE CONFLICT BY METHODS THAT INVOLVE BOTH SECURING THE PARTIES' CONSENT (PRINCIPALLY THROUGH NEGOTIATION) AND CONSTRAINT (TO ENSURE THAT SAFE AREAS OR THE FREE MOVEMENT OF HUMANITARIAN CONVOYS ARE RESPECTED, FOR EXAMPLE).

THE USEFULNESS OF SUCH A CATEGORY, OF WHICH OPERATION TURQUOISE IN RWANDA IS ONE EXAMPLE, LEADS US TO STRESS THE FOLLOWING POINTS.

THE FUNDAMENTAL DIFFERENCE BETWEEN OPERATIONS OF THIS TYPE AND CONVENTIONAL PEACE-KEEPING OPERATIONS IS THAT THE FORMER ARE UNDERTAKEN BEFORE THE CONFLICT HAS ENDED OR WHILE IT IS IN ITS FINAL STAGES, WHICH MEANS THAT AT LEAST ONE OF THE PARTIES BELIEVES THAT ITS INTERESTS ARE BEST SERVED BY A PROLONGATION, RATHER THAN AN ENDING, OF THE CONFLICT. AN OPERATION AIMED AT ENDING THE CONFLICT CANNOT, THEREFORE, BE NEUTRAL, ANY MORE THAN CAN ONE AIMED AT MODERATING THE CONFLICT, FOR THE LATTER SEEKS OF NECESSITY TO MODIFY THE BEHAVIOUR OF AT LEAST ONE OF THE ADVERSARIES, WHICH IN MOST CASES MEANS SIMPLY PREVENTING IT FROM USING WHATEVER STRATEGIES OR TACTICS IT CONSIDERS MOST APPROPRIATE (BY CREATING SAFE AREAS, BANNING THE OVERFLIGHT OF CERTAIN AREAS, OR ORGANIZING THE RETURN OF REFUGEES, FOR EXAMPLE).

IT IS CLEAR FROM THE OUTSET THAT, BY THWARTING THE PLANS OF ONE OR MORE PARTIES TO THE CONFLICT, SUCH OPERATIONS ARE UNLIKELY TO ENJOY THE PARTIES' CONSENT. THIS CAN ONLY BE OBTAINED GRADUALLY, THROUGH NEGOTIATION BUT ALSO BY ASSISTANCE TO THE POPULATION (MEDICAL ASSISTANCE, CIVIL ENGINEERING AND SO FORTH); AT THE SAME TIME, THE OPERATION MUST BE PREPARED TO USE FORCE TO IMPOSE CONDITIONS THAT ARE NOT YET ACCEPTED, BEGINNING, PERHAPS, WITH THE VERY PRESENCE OF UNITED NATIONS TROOPS. THE DECISION TO LAUNCH SUCH OPERATIONS MUST THEREFORE BE BASED ON CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS. THE DEPLOYMENT OF TROOPS AS WELL AS THE PROTECTIVE AND COMBAT EQUIPMENT THEY REQUIRE MUST BE PLANNED FOR IN A MANNER THAT WILL PERMIT THE USE OF FORCE.

THUS OPERATIONS OF THIS TYPE CONTAIN THE RISK OF ESCALATION, WHICH, IF NOT OVERCOME, CAN CHANGE THE NATURE OF AN OPERATION, MAKING IT A COERCIVE MILITARY ACTION (PEACE ENFORCEMENT). SUCH A DEVELOPMENT MUST NOT BE RULED OUT ON PRINCIPLE; HOWEVER, THE POLITICAL COST (PARTICULARLY THE WITHDRAWAL OF CERTAIN CONTINGENTS) AND THE TECHNICAL DIFFICULTIES (CHANGE IN MILITARY DEPLOYMENT) MUST BE RECKONED. ACCORDINGLY, PEACEMAKING AND CONFLICT-MODERATION MISSIONS MUST BE EXTREMELY DISCIPLINED AND SKILLED WHEN THEY USE FORCE; ABOVE ALL, THEY MUST ENJOY, TO THE EXTENT POSSIBLE, UNDISPUTED MILITARY SUPERIORITY.

GIVEN THAT THE ORGANIZATION'S MILITARY RESOURCES ARE LIMITED, IT FOLLOWS THAT THE NUMBER OF SUCH OPERATIONS CANNOT

BE GREATLY INCREASED: THE DECISION RESTS, AND MUST REST, WITH THE SECURITY COUNCIL.

HAVING THEIR BASIS IN THE POWER OF INTIMIDATION BUT EQUALLY IN THE EFFORT TO SECURE CONSENT, SUCH OPERATIONS MUST BE NEUTRAL RATHER THAN IMPARTIAL. THE TERMS OF THEIR MANDATE MAY THWART THE MILITARY GOALS OR METHODS OF ONE PARTY MORE THAN THOSE OF THE OTHER, YET THE UNITED NATIONS FORCE MUST ENSURE THAT THESE TERMS ARE EQUALLY RESPECTED BY ALL: THE FORCE MUST REMAIN AN ARBITRATOR AND MUST ENSURE THAT IT IS PERCEIVED AS SUCH.

SUCH OPERATIONS ARE HIGHLY SENSITIVE AND MUST BE CARRIED OUT BY TROOPS THAT ARE WELL PREPARED. COMBAT TRAINING AND A KNOWLEDGE OF THE OPERATION ENVIRONMENT ARE VITAL TO SUCH PREPARATION. HOWEVER, BASIC TRAINING MUST BE SUPPLEMENTED BY TRAINING IN NEGOTIATING TECHNIQUES SO THAT THE FORCE, AND SENIOR PERSONNEL IN PARTICULAR, ARE REALLY EQUIPPED TO DEAL WITH A NUMBER OF DIFFERENT AUTHORITIES.

II. ENHANCEMENT OF THE ORGANIZATION'S RAPID REACTION CAPACITY

THE CURRENT TIMETABLE FOR MOUNTING A UNITED NATIONS FORCE IS OFTEN TOO LONG. THE MOST TYPICAL EXAMPLE IS UNAMIR II, WHICH COULD NOT BE DEPLOYED UNTIL SIX MONTHS AFTER ITS CREATION BY A SECURITY COUNCIL RESOLUTION. FRANCE SUGGESTS THAT THIS SITUATION BE IMPROVED BY ACTUALLY IMPLEMENTING AND REFINING THE SYSTEM OF STAND-BY ARRANGEMENTS AND BY ESTABLISHING RAPID DEPLOYMENT UNITS WITHIN THIS SYSTEM.

A. IMPLEMENTATION AND REFINEMENT OF THE SYSTEM OF STAND-BY ARRANGEMENTS

THE SYSTEM OF STAND-BY ARRANGEMENTS, WHICH WAS PUT IN PLACE IN 1994, IS NOT YET FULLY OPERATIONAL, FOR ITS EFFECTIVENESS DEPENDS ON THE SPEED WITH WHICH THE UNITED NATIONS SECRETARIAT CAN USE IT TO MOUNT A COHESIVE FORCE SUITED TO THE OPERATION IN QUESTION, AND THUS ON THE ACCURACY OF THE DATA AVAILABLE TO IT. THE SECRETARIAT, THEREFORE, SHOULD CONTINUE TO ENCOURAGE STATES TO BECOME PART OF THIS SYSTEM WHILE ALSO REQUESTING STATES THAT ARE ALREADY PARTICIPANTS TO MAKE THEIR OFFERS MORE SPECIFIC BY SUBMITTING DETAILED VOLUMETRIC DESCRIPTIONS OF THE RESOURCES PROPOSED. SUCH DESCRIPTIONS SHOULD ALSO MENTION THE TIMETABLE FOR THE DEPLOYMENT OF EACH UNIT (SO AS TO AVOID, FOR EXAMPLE, HAVING A COMBAT UNIT ARRIVE IN THE THEATRE OF OPERATIONS FAR IN ADVANCE OF THE NECESSARY SUPPORT UNITS).

IN ADDITION, IT IS DIFFICULT TO CREATE A VIABLE COMMAND STRUCTURE IN A VACUUM: IT WOULD THEREFORE BE DESIRABLE FOR COUNTRIES HAVING THE CAPACITY TO DO SO TO PROPOSE COMMAND UNITS COMPRISING A GENERAL STAFF TO WHICH OFFICERS FROM OTHER CONTRIBUTOR STATES WOULD BE ASSIGNED. FRANCE CAN HAVE UNITS OF THIS TYPE STANDING ON FOUR DAYS' NOTICE; SOME UNIT MEMBERS COULD ALSO HELP TO STAFF THE SITUATION CENTRE IN THE DEPARTMENT OF PEACE-KEEPING OPERATIONS.

B. ESTABLISHMENT OF RAPID DEPLOYMENT UNITS

SUCH MEASURES, HOWEVER, MAY NOT BE SUFFICIENT; THE SYSTEM OF STAND-BY ARRANGEMENTS IS DESIGNED TO ALLOW FOR DEPLOYMENT WITHIN TWO MONTHS, WHICH IS TOO LONG IN CASES WHERE ANY DELAY WILL AGGRAVATE THE SITUATION ON THE GROUND AND REDUCE THE CHANCES FOR CARRYING OUT A SUCCESSFUL OPERATION.

IN THIS LIGHT, THE FRENCH GOVERNMENT FEELS THAT THE PROPOSAL CONCERNING THE ESTABLISHMENT OF A RAPID REACTION FORCE PUT FORWARD BY THE SECRETARY-GENERAL OF THE UNITED NATIONS IN HIS REPORT ENTITLED "SUPPLEMENT TO AN AGENDA FOR PEACE" IS OF PARTICULAR INTEREST. FRANCE IS AWARE, HOWEVER, OF THE POLITICAL AND TECHNICAL DIFFICULTIES SUCH A PROJECT WOULD

ENCOUNTER, AND IT THEREFORE PROPOSES THAT RAPID DEPLOYMENT UNITS SHOULD BE SET UP WITHIN THE SYSTEM OF STAND-BY ARRANGEMENTS. THE FIRST CHARACTERISTIC OF THESE UNITS IS THAT IT WOULD TAKE ONLY A SHORT TIME TO DEPLOY THEM, RANGING FROM TWO TO 10 DAYS. THE CONCERN FOR EFFECTIVENESS IN IMPLEMENTING SUCH A SYSTEM ALSO REQUIRES THAT THE PROPOSED TROOPS, TOGETHER WITH THEIR PROTECTIVE AND COMBAT EQUIPMENT, BE OF HIGH QUALITY, THAT THE COMMAND STRUCTURES BE PRE-PLANNED AND THAT THE EXERCISES, WHICH COULD BE CARRIED OUT AT THE GENERAL STAFF LEVEL AND, ON THE GROUND, THROUGH TROOP MOBILIZATION MANOEUVRES, BE ORGANIZED JOINTLY BY THE UNITED NATIONS AND BY STATES THAT HAVE OFFERED TO CONTRIBUTE RAPID DEPLOYMENT UNITS.

AT THE MEETING HELD BY THE SECURITY COUNCIL AT THE LEVEL OF HEADS OF STATE AND GOVERNMENT ON 31 JANUARY 1992, FRANCE HAD ANNOUNCED THAT IT WAS PREPARED TO CONTRIBUTE TO THE UNITED NATIONS, WITHIN LESS THAN TWO WEEKS, UP TO TWO CONTINGENTS OF 1,000 TROOPS EACH. IN THE CONTEXT OF THIS COMMITMENT, IT NOW ANNOUNCES THAT IT WILL SOON SUBMIT A REPORT TO THE SECRETARIAT DESCRIBING THESE UNITS IN DETAIL.

III. STRENGTHENING THE MILITARY STAFF CAPACITIES OF THE UNITED NATIONS

DESPITE THE CONSIDERABLE EFFORTS MADE BY THE UNITED NATIONS SECRETARIAT TO IMPROVE THE SERVICES CONCERNED, INCLUDING THE DEPARTMENT OF PEACE-KEEPING OPERATIONS, THE EFFECTIVENESS OF UNITED NATIONS OPERATIONS IS STILL BEING LIMITED BY THE INADEQUACY OF THE ORGANIZATION'S MILITARY STAFF CAPACITIES IN THE AREAS OF BOTH PLANNING AND COMMAND, AND THE MOST PRESSING NEED APPEARS TO CONCERN THE DEFINITION OF MILITARY OPERATIONS IN FULFILMENT OF THE MANDATE ESTABLISHED BY THE SECURITY COUNCIL. THESE CAPACITIES SHOULD BE REINFORCED BY INCREASING THE RESOURCES OF THE DEPARTMENT OF PEACE-KEEPING OPERATIONS AND SETTING UP SPECIFIC TEAMS FOR EACH OPERATION.

A. DEVELOPMENT OF PLANNING CAPACITIES

IN ORDER TO BE FULLY EFFECTIVE, MILITARY PLANNING MUST SET AS ITS GOAL NOT ONLY TO ENFORCE POLITICAL DECISIONS (THE COUNCIL'S MANDATE) BUT ALSO TO HELP TO PREPARE THEM.

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IT IS THEREFORE DESIRABLE TO CONTINUE TO DEVELOP AN EARLY OPERATIONAL PLANNING CAPACITY IN THE DEPARTMENT OF PEACE-KEEPING OPERATIONS. TO STRENGTHEN THE EFFECTIVENESS OF SUCH PLANNING, IT WOULD BE USEFUL TO ENVISAGE THE ELABORATION OF DEPLOYMENT SCENARIOS AS SOON AS A CRISIS DEVELOPS WHICH IS LIKELY TO LEAD TO A UNITED NATIONS OPERATION.

FRANCE ENVISIONS THE SYSTEMATIC DEPLOYMENT ON THE GROUND, FROM THE TIME WHEN AN OPERATION BEGINS TO BE SERIOUSLY CONSIDERED, OF A TEAM COMPOSED OF MEMBERS OF THE PLANNING CELL OF THE DEPARTMENT OF PEACE-KEEPING OPERATIONS AND OF A PLANNING ELEMENT COMPRISED OF A UNIT THAT WOULD BE FURNISHED BY A COUNTRY TO SHOW ITS PARTICULAR INTEREST IN THE OPERATION. THIS TEAM WOULD HELP THOSE WHO WOULD BE IN CHARGE OF THE FORCE, NAMELY, THE FUTURE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL AND, WHERE POSSIBLE, THE FUTURE MILITARY COMMANDER OF THE OPERATION. THE TEAM WOULD FORMULATE A CONCEPT OF OPERATIONS WHICH WOULD BE ANNEXED TO THE REPORT SUBMITTED BY THE SECRETARY-GENERAL TO THE SECURITY COUNCIL AND WOULD HELP TO CLARIFY THE COUNCIL'S DEBATES.

IN THIS CONTEXT, THE GOVERNMENT OF FRANCE IS CONTRIBUTING TO THE UNITED NATIONS A PLANNING UNIT WHICH CAN BE DEPLOYED WITHIN 48 HOURS.

ONCE THE RESOLUTION ESTABLISHING AN OPERATION HAS BEEN ADOPTED, THIS UNIT, WHICH MAY BE REINFORCED AS NEEDED BY FUTURE COMMANDERS OF THE MAIN NATIONAL DETACHMENTS, WOULD ENSURE THE OVERALL MILITARY PLANNING OF THE OPERATION BY PREPARING, IN PARTICULAR, A DETAILED MILITARY DIRECTIVE AND THE INITIAL ORDER OF OPERATIONS.

FINALLY, AFTER THE OPERATION HAS BEEN SET UP, IT WOULD NORMALLY BE THE RESPONSIBILITY OF THE PLANNING CELL OF THE DEPARTMENT OF PEACE-KEEPING OPERATIONS TO ADAPT THE OPERATION TO THE CHANGING MILITARY AND POLITICAL SITUATION, A TASK WHICH COULD INVOLVE THE PREPARATION AND TRANSLATION INTO MILITARY TERMS OF NEW SECURITY COUNCIL RESOLUTIONS MODIFYING THE INITIAL MANDATE, UP TO THE PLANNING OF WITHDRAWAL. IT MAY WELL BE NECESSARY, HOWEVER, IN THE CASE OF LARGE AND COMPLEX OPERATIONS, TO HAVE FURTHER RECOURSE TO A PLANNING UNIT.

IN THE EVENT THAT RAPID DEPLOYMENT UNITS ARE TO BE USED, THIS TEAM WILL BE REINFORCED WHERE NECESSARY, IN ORDER TO PLAN THE DEPLOYMENT OF THESE UNITS, BY THE COMMANDERS OF NATIONAL CONTINGENTS THAT HAVE BEEN CONTRIBUTED TO THE UNITED NATIONS IN THIS CONTEXT OR BY OTHER OFFICERS REPRESENTING CONTRIBUTOR STATES.

B. IMPROVEMENT OF COMMAND STRUCTURES

THE ESTABLISHMENT OF AN EFFECTIVE PLANNING SYSTEM SHOULD, IN ITSELF, IMPROVE THE COMMAND OF THE FORCE.

IT IS IMPORTANT, NONE THE LESS, TO STRENGTHEN THE EFFECTIVENESS OF COMMAND STAFFS, ESPECIALLY FOR THE LARGEST AND MOST DELICATE MISSIONS, BY ESTABLISHING THEM MORE QUICKLY AND LIMITING THEIR NECESSARY HETEROGENEITY. THIS IS THE

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REASONING BEHIND OUR PROPOSAL FOR COMMAND UNITS (SEE II.A. ABOVE), WHICH WOULD BE PARTICULARLY USEFUL IN CASES WHERE RAPID DEPLOYMENT UNITS ARE USED.

THE SITUATION CENTRE WITHIN THE DEPARTMENT OF PEACE-KEEPING OPERATIONS SHOULD CONTINUE TO BE STRENGTHENED. FRANCE PROPOSES THAT THE STAFF OF THIS CENTRE BE REINFORCED BY REPRESENTATIVES OF STATES CONTRIBUTING TO AN OPERATION, AT THEIR REQUEST, AND THIS WOULD MAKE IT POSSIBLE AT THE SAME TIME TO GIVE THESE STATES MORE RAPID AND PRECISE INFORMATION ABOUT THE EVOLUTION OF THE SITUATION ON THE GROUND AND TO IMPROVE THE SECRETARIAT'S FOLLOW-UP CAPABILITIES.

IT WOULD BE HELPFUL TO SPECIFY THE NATURE OF THE AUTHORITY OF THE FORCE COMMANDER (AND, ULTIMATELY, THE SECRETARY-GENERAL) OVER NATIONAL UNITS. FRANCE FEELS THAT THIS AUTHORITY SHOULD BE CLOSELY AKIN TO OPERATIONAL CONTROL. THE RULES OF ENGAGEMENT FOR EACH FORCE SHOULD ALSO BE CLEARLY SPELT OUT.

LASTLY, THE MANY INCIDENTS AND DIFFICULTIES THAT HAVE OCCURRED HAVE SHOWN HOW IMPORTANT IT IS TO HARMONIZE THE ACTION OF THE CIVILIAN COMPONENT WITH THAT OF THE MILITARY COMPONENT OF THE OPERATIONS, AVOIDING BOTH OVERLAPPING AND A TOO RIGID SEPARATION OF DUTIES (WHERE THE CIVILIAN COMPONENT WOULD BE, IN PARTICULAR, SOLELY IN CHARGE OF ADMINISTRATIVE DUTIES AND NEGOTIATION).

THE DESIRABLE COMMAND STRUCTURE OBVIOUSLY DEPENDS ON THE NATURE OF THE MISSIONS TO BE ACCOMPLISHED. EXPERIENCE SEEMS TO RECOMMEND, HOWEVER, ON THE ONE HAND, THE SYSTEMATIC DESIGNATION, FOR ALL OPERATIONS OF WHATEVER SIZE, OF A SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL HAVING COMPLETE AUTHORITY OVER THE VARIOUS COMPONENTS OF THE OPERATION AND, ON THE OTHER HAND, AT LEAST FOR PEACEMAKING AND CONFLICT-MODERATION OPERATIONS, WHICH ALMOST INEXTRICABLY LINK MILITARY TASKS (EVEN INCLUDING COMBAT) WITH NEGOTIATION AND HUMANITARIAN AID ACTIVITIES, AN INTEGRATED STRUCTURE INVOLVING CLOSE COOPERATION BETWEEN CIVILIANS AND MILITARY PERSONNEL AT ALL LEVELS OF COMMAND, INCLUDING LOGISTICS.

IN CONCLUSION, FRANCE IS AWARE THAT THE SUCCESS OF UNITED NATIONS OPERATIONS IN THE AREA OF INTERNATIONAL PEACE AND SECURITY IS ALSO BASED IN LARGE PART ON THE QUALITY OF THE TROOPS ENGAGED IN THESE INTERVENTIONS. IT SUPPORTS THE TRAINING PROGRAMME FOR MOBILE PEACE-KEEPING TRAINING TEAMS, IN WHICH IT INTENDS TO PARTICIPATE ACTIVELY BY ASSIGNING FRENCH OFFICERS TO THESE TEAMS AND HOSTING TRAINING COURSES IN FRANCE. IT IS ALSO PREPARED TO OPEN ITS SPECIALIZED TRAINING CENTRES TO FOREIGN TRAINEES AND TO HELP STATES AT THEIR REQUEST TO ESTABLISH NATIONAL TRAINING CENTRES IN LIAISON WITH THE COMPETENT UNITED NATIONS BODIES.

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FIFTIETH SESSION FIFTY-FIRST YEAR
AGENDA ITEM 20 (B)
STRENGTHENING OF THE COORDINATION OF
HUMANITARIAN AND DISASTER RELIEF
ASSISTANCE OF THE UNITED NATIONS,
INCLUDING SPECIAL ECONOMIC ASSISTANCE:
SPECIAL ECONOMIC ASSISTANCE TO
INDIVIDUAL COUNTRIES OR REGIONS
PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE
UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. THE PRESENT REPORT IS SUBMITTED PURSUANT TO SECURITY COUNCIL RESOLUTION 1029 (1995) OF 12 DECEMBER 1995, BY WHICH THE COUNCIL ADJUSTED AND EXTENDED THE MANDATE OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (UNAMIR) FOR A FINAL PERIOD UNTIL 8 MARCH 1996 AND REQUESTED ME TO REDUCE ITS TROOP LEVEL TO 1,200 AND THE NUMBER OF MILITARY OBSERVERS, HEADQUARTERS AND OTHER MILITARY SUPPORT STAFF TO 200. THE COUNCIL FURTHER REQUESTED ME TO WITHDRAW THE CIVILIAN POLICE COMPONENT (CIVPOL) OF THE MISSION AND TO INITIATE PLANNING FOR THE COMPLETE WITHDRAWAL OF UNAMIR WITHIN A PERIOD OF SIX WEEKS AFTER THE EXPIRY OF THE MANDATE.

2. THE PRESENT PROGRESS REPORT DESCRIBES THE ACTION TAKEN BY UNAMIR IN IMPLEMENTATION OF RESOLUTION 1029 (1995) AND PROVIDES AN UPDATE ON DEVELOPMENTS IN RWANDA SINCE MY REPORT OF 1 DECEMBER 1995 (S/1995/1002). A FURTHER REPORT WILL BE SUBMITTED TO THE SECURITY COUNCIL BEFORE THE EXPIRATION OF UNAMIR'S MANDATE ON 8 MARCH 1996.

3. THE PRESENT REPORT IS ALSO SUBMITTED PURSUANT TO GENERAL ASSEMBLY RESOLUTION 50/58 L OF 22 DECEMBER 1995, IN WHICH I WAS REQUESTED TO CONSULT WITH THE GOVERNMENT OF RWANDA AND WITH THE RELEVANT UNITED NATIONS AGENCIES ON THE NATURE OF A CONTINUED UNITED NATIONS PRESENCE IN RWANDA AFTER 8 MARCH 1996; ON THE ROLE SUCH A UNITED NATIONS PRESENCE MIGHT PLAY IN FURTHERING THE SEARCH FOR PEACE AND STABILITY THROUGH JUSTICE, RECONCILIATION AND THE RETURN OF REFUGEES AND IN ASSISTING THE GOVERNMENT OF RWANDA IN ITS PRESSING TASK OF REHABILITATION AND RECONSTRUCTION, AND TO REPORT TO THE GENERAL ASSEMBLY BY 1 FEBRUARY 1996 ON THE RESULTS OF THOSE CONSULTATIONS.

II. POLITICAL DEVELOPMENTS

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4. SINCE MY LAST REPORT, THERE HAVE BEEN NO SIGNIFICANT CHANGES IN THE INTERNAL SITUATION IN RWANDA. THERE ARE INCREASING SIGNS OF NORMALCY AND STABILITY, WITH A MARKED DIMINUTION OF OVERT VIOLENCE. RWANDA'S RELATIONS WITH ITS NEIGHBOURS, ESPECIALLY THE UNITED REPUBLIC OF TANZANIA AND ZAIRE, HAVE ALSO IMPROVED. PRESIDENT BIZIMUNGU VISITED THE UNITED REPUBLIC OF TANZANIA ON 14 DECEMBER AND HELD DISCUSSIONS WITH THE NEWLY ELECTED PRESIDENT, MR. BENJAMIN MKAPA. A TRIPARTITE MEETING WITH ZAIRE AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) ON THE REFUGEE ISSUE WAS FOLLOWED BY A VISIT OF THE MINISTER FOR FOREIGN AFFAIRS OF RWANDA TO KINSHASA. DURING THE VISIT, ZAIRE AGREED IN PRINCIPLE TO RETURN ASSETS THAT HAD BEEN CARRIED ACROSS TO ZAIRE IN 1994 BY THE FORMER RWANDESE GOVERNMENT FORCES (RGF). THESE INTERNAL AND EXTERNAL DEVELOPMENTS REFLECT A POSITIVE TREND.

5. TWO EVENTS, HOWEVER, HAD A NEGATIVE IMPACT ON THE POLITICAL SITUATION IN RWANDA. THE FIRST INVOLVED THE MANNER IN WHICH 38 NON-GOVERNMENTAL ORGANIZATIONS (NGOS) WERE ASKED TO CEASE ACTIVITIES IN RWANDA AND 18 OTHERS WERE SUSPENDED, THEIR ASSETS FROZEN AND THEIR EQUIPMENT IMPOUNDED. THE INTERNATIONAL COMMUNITY'S CONCERN OVER THIS ANNOUNCEMENT WAS CONVEYED TO THE MINISTER FOR FOREIGN AFFAIRS BY MY SPECIAL REPRESENTATIVE IN RWANDA AND I HOPE THAT THE APPEALS MADE BY NGOS WILL BE GIVEN DUE CONSIDERATION BY THE GOVERNMENT. THE SECOND EVENT WAS THE DEFECTION OF SOME SENIOR CIVILIAN AND MILITARY OFFICIALS, INCLUDING THE GOVERNOR OF THE STATE BANK. FOLLOWING THE DEPARTURE OF FORMER PRIME MINISTER FAUSTIN TWAGIRAMUNGU AND OF ONE OF HIS CABINET COLLEAGUES, THESE DEFECTIONS REPRESENT A SETBACK TO THE PROSPECTS FOR PROMOTING NATIONAL RECONCILIATION.

6. THE CURRENT MANDATE OF UNAMIR FOCUSES ON THE PROVISION OF ASSISTANCE TO FACILITATE THE SAFE AND VOLUNTARY RETURN OF REFUGEES. SO FAR, HOWEVER, DESPITE INTENSE EFFORTS BY UNHCR, THIS PROCESS REMAINS AT A TRICKLE. MONTHLY FIGURES OF RETURNEES DECLINED FROM 35,000 IN JANUARY 1995 TO APPROXIMATELY 6,000 IN NOVEMBER, THOUGH IT ROSE TO 13,500 IN DECEMBER (SEE SECT. V BELOW). THE MAIN HURDLES TO REFUGEE RETURN CONTINUE TO BE THE FEAR OF OPPRESSIVE TREATMENT, INTIMIDATION AND POLITICAL DISSUASION BY FORMER RWANDESE GOVERNMENT FORCES LEADERS IN THE CAMPS, AND THE PERCEPTION OF RELATIVELY BETTER LIVING CONDITIONS IN THE CAMPS THAN THOSE EXPECTED ON RETURNING HOME. NOTWITHSTANDING SUSTAINED EFFORTS TO TACKLE THESE DIFFICULT ISSUES, THEY REMAIN UNRESOLVED AND THE NUMBER OF RETURNING REFUGEES IS NOT LIKELY TO INCREASE SIGNIFICANTLY.

7. RELATIONS BETWEEN UNAMIR AND THE GOVERNMENT DURING THIS FINAL PERIOD OF THE MISSION'S MANDATE CONTINUE TO BE GENERALLY COOPERATIVE, THOUGH NOT WITHOUT FRICTION. THE DISPOSITION OF UNAMIR EQUIPMENT AND ASSETS REMAINS A MATTER OF CONCERN. IN THIS CONNECTION, IT WILL BE RECALLED THAT PARAGRAPH 7 OF SECURITY COUNCIL RESOLUTION 1029 (1995) REQUESTED ME "TO EXAMINE, IN THE CONTEXT OF EXISTING UNITED NATIONS REGULATIONS, THE FEASIBILITY OF TRANSFERRING UNAMIR NON-LETHAL EQUIPMENT, AS ELEMENTS OF UNAMIR WITHDRAW, FOR USE IN RWANDA". THE SECRETARIAT HAS BEEN PREPARING RECOMMENDATIONS TO BE PRESENTED TO THE APPROPRIATE LEGISLATIVE BODIES. IT IS MY HOPE THAT, IN THE MEANTIME, RWANDA WILL NOT IMPEDE THE TRANSFER TO OTHER PEACE-KEEPING OPERATIONS OF EQUIPMENT THAT HAS BECOME AVAILABLE AS A RESULT OF THE CURRENT REDUCTION OF

UNAMIR.

8. A SECOND SOURCE OF CONCERN IS THE INSISTENCE OF THE RWANDAN GOVERNMENT THAT CONTRACTORS PROVIDING GOODS AND SERVICES FOR THE EXCLUSIVE USE OF UNAMIR SHOULD PAY VARIOUS TYPES OF TAXES. THESE CLAIMS RAISE COMPLEX LEGAL ISSUES AND MAY HAVE A SERIOUS ADVERSE IMPACT ON UNAMIR'S OPERATIONAL CAPABILITIES AND ON THE PROVISION OF GOODS AND SERVICES BY THE CONTRACTORS TO UNAMIR. A SIMILAR PROBLEM HAS DEVELOPED IN CONNECTION WITH THE GOVERNMENT'S INSISTENCE ON COLLECTING FREQUENCY MANAGEMENT AND COORDINATION FEES AND REQUIRING LICENCES FOR THE USE OF THE UNITED NATIONS COMMUNICATIONS EQUIPMENT. A THIRD POINT OF CONTENTION ARISES FROM THE GOVERNMENT'S ATTEMPTS TO RENEGOTIATE THE STATUS-OF-MISSION AGREEMENT. THE SECRETARIAT HAS ATTEMPTED TO RESPOND TO THE ISSUES RAISED BY RWANDA WITH A VIEW TO RESOLVING THEM AMICABLY. WHILE IN A NUMBER OF AREAS THE POSITIONS OF THE PARTIES REMAIN FAR APART, IN OTHERS THE SECRETARIAT HAS RESPONDED POSITIVELY TO RWANDA'S CONCERNS REGARDING PAYMENT OF SOCIAL SECURITY TAXES FOR PERSONNEL ENGAGED BY CONTRACTORS TO SUPPORT UNAMIR ACTIVITIES, CHARGES FOR PUBLIC UTILITY SERVICE RELATED TO COMMUNICATIONS AND FREQUENCY MANAGEMENT AND USE OF AIRPORT FACILITIES AT KONOMBE AIRPORT. IN AN EFFORT TO CONTINUE TO ADDRESS RWANDA'S CONCERNS AND RESOLVE OUTSTANDING ISSUES, I HAVE DISPATCHED A GROUP OF EXPERTS TO KIGALI TO DISCUSS THESE MATTERS WITH THE GOVERNMENT.

II. HUMAN RIGHTS

9. THE STAFFING OF THE UNITED NATIONS HUMAN RIGHTS FIELD OPERATION IN RWANDA FELL FROM 120 AT 30 NOVEMBER 1995 TO 93 BY 31 JANUARY 1996. THE REASON FOR THIS REDUCTION IS THAT VOLUNTARY CONTRIBUTIONS WERE NOT SUFFICIENT FOR THE RECRUITMENT OF NEW FIELD OFFICERS (THE MAJORITY OF WHOM ARE UNITED NATIONS VOLUNTEERS (UNVS)) TO REPLACE THOSE WHO HAD COMPLETED THEIR CONTRACTS. IN ADDITION TO MEETING THE IMMEDIATE OPERATIONAL NEEDS OF THE FIELD OPERATION, THE COMMISSION FOR HUMAN RIGHTS HAS YET TO RECEIVE SUFFICIENT FINANCIAL SUPPORT FROM DONORS TO BE ABLE TO REIMBURSE A $3 MILLION LOAN RECEIVED FROM THE CENTRAL EMERGENCY REVOLVING FUND TO START OPERATIONS IN SEPTEMBER 1994. SUCH LOANS MUST NORMALLY BE REPAID WITHIN SIX MONTHS. WHILE THE FIELD OPERATION HAS CONTINUED TO MAINTAIN FIELD OFFICES IN 10 PREFECTURES, THIS LEVEL OF STAFFING IS LIMITING ITS ABILITY TO MONITOR CONDITIONS IN ALL COMMUNES AND TO GIVE PARTICULAR ATTENTION TO THE COMMUNES TO WHICH THE LARGEST NUMBER OF REFUGEES HAVE RETURNED OR ARE EXPECTED TO RETURN.

10. THE FIELD OPERATION CONTINUED TO UNDERTAKE REGULAR VISITS TO PRISONS AND DETENTION CENTRES. WHILE TRANSFERS TO NEW ACCOMMODATION ALLEVIATED SOME OF THE OVERCROWDING, THIS REMAINED AN ACUTE PROBLEM IN PRISONS AND LOCAL DETENTION CENTRES. ARRESTS CONTINUED TO BE CARRIED OUT, IN MOST CASES OUTSIDE LEGAL PROCEDURES, WHILE PROGRESS IN THE CREATION AND PREPARATION OF CASE FILES WAS SLOW. THE TRIAGE COMMITTEES (COMMISSIONS DE TRIAGE) MET IN ONLY A FEW PREFECTURES AND A VERY LIMITED NUMBER OF DETAINEES WAS RELEASED AS A RESULT. THE MINISTER OF JUSTICE SOUGHT INTERVENTIONAL ASSISTANCE TO REVITALIZE THE COMMITTEES AND TO ESTABLISH SUCH COMMITTEES AT THE LOCAL LEVEL IN ALL 147 COMMUNES. IN ADDITION TO OVERCROWDING, THE FIELD OPERATION EXPRESSED CONCERN TO THE GOVERNMENT ABOUT THE ILL-TREATMENT OF PRISONERS IN MANY LOCAL DETENTION CENTRES, WHICH HAD RESULTED IN A NUMBER OF DEATHS.

11. THE AUTHORITIES TOOK SOME SIGNIFICANT STEPS TO ADDRESS

REPORTED HUMAN RIGHTS VIOLATIONS. FOUR SOLDIERS WERE TRIED AND CONVICTED BY A MILITARY COURT IN LATE DECEMBER 1995 FOR THEIR INVOLVEMENT IN AN INCIDENT IN WHICH FOUR CIVILIANS WERE SHOT, AND THREE KILLED. THE RWANDAN PATRIOTIC ARMY COOPERATED WITH THE FIELD OPERATION IN ITS INVESTIGATION OF THE 25 NOVEMBER KILLINGS BY SOLDIERS OF CIVILIANS AT A TEMPORARY SETTLEMENT IN NYUNGWE FOREST. THE OFFICIAL INVESTIGATION IS NOW IN THE HANDS OF THE MILITARY PROSECUTOR. THE NEED TO BUILD A STATE OF LAW WHILE ADDRESSING SECURITY CONCERNS WAS PUBLICLY EMPHASIZED BY THE VICE-PRESIDENT, MAJ.-GEN. PAUL KAGAME, WHEN HE LED VISITS OF THE NATIONAL SECURITY COUNCIL TO TWO PREFECTURES IN DECEMBER. HOWEVER, THE FIELD OPERATION REMAINED CONCERNED THAT OFFICIAL INVESTIGATIONS WERE CARRIED OUT ONLY IN SOME OF THE CASES OF POSSIBLE HUMAN RIGHTS VIOLATIONS REPORTED TO IT, INCLUDING KILLINGS OF CIVILIANS ALLEGEDLY BY MEMBERS OF THE SECURITY FORCES.

12. THE FIELD OPERATION CONTINUED ITS EFFORTS TO PROVIDE ASSISTANCE TO THE JUDICIAL SYSTEM AND PROMOTE HUMAN RIGHTS. IT ALSO PURSUED ITS TASKS OF CONFIDENCE-BUILDING AND HUMAN RIGHTS MONITORING IN THE CONTEXT OF REFUGEE RETURN.

13. THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ISSUED ITS FIRST INDICTMENTS ON 12 DECEMBER 1995, SO AS TO CARRY FORWARD THE PROCESS OF BRINGING TO JUSTICE PERSONS ACCUSED OF GENOCIDE AND CRIMES AGAINST HUMANITY. ALL MEMBER STATES IN THE REGION HAVE GIVEN ASSURANCES THAT THEY WOULD COOPERATE WITH THE TRIBUNAL, AS AGREED AT THE CAIRO SUMMIT. THE PROCEEDINGS AGAINST SUSPECTS ACCUSED OF GENOCIDE IN RWANDA ARE EXPECTED TO COMMENCE SHORTLY.

14. THE TRIBUNAL HELD ITS FIRST PLENARY SESSION IN ARUSHA ON 8 JANUARY 1996. ON THAT OCCASION, THE SECOND TRIAL CHAMBER EXAMINED AN APPLICATION PRESENTED BY THE PROSECUTOR CONCERNING THE DEFERRAL OF INVESTIGATIONS AND PROSECUTIONS CONDUCTED BY BELGIUM ON THREE SUSPECTS CURRENTLY DETAINED IN THAT COUNTRY. ON 11 JANUARY, THE TRIAL CHAMBER DECIDED FORMALLY TO REQUEST BELGIUM TO DEFER TO THE COMPETENCE OF THE TRIBUNAL THE

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Pauline
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Please file together — Lecco
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INVESTIGATIONS AND PROSECUTIONS CONCERNING THE THREE SUSPECTS.
15. IN RWANDA, THE RECENTLY ESTABLISHED SUPREME COURT HAS BEGUN A REVIEW OF THE JUDICIAL SYSTEM SO AS TO ENSURE THAT IT BECOMES OPERATIONAL AND THOSE RESPONSIBLE FOR GENOCIDE ARE BROUGHT TO JUSTICE. ARREST AND DETENTION PROCEDURES ARE ALSO BEING REVIEWED. FURTHERMORE, IT WAS ANNOUNCED ON 13 JANUARY THAT THE NATIONAL ASSEMBLY HAD AMENDED THE RWANDAN CONSTITUTION, TAKING INTO CONSIDERATION THE EXCEPTIONAL CIRCUMSTANCES RWANDA HAD GONE THROUGH. THE ADDITION OF THE TEXT OF ARTICLE 4 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS TO ARTICLE 12 OF THE CONSTITUTION WOULD ALLOW THE ENACTMENT OF LAWS TO REGULARIZE RETROACTIVELY THE ARRESTS OF THOSE SUSPECTED OF CRIMES RELATED TO THE GENOCIDE. THE TEXT OF ARTICLE 15, PARAGRAPH 2, OF THE INTERNATIONAL COVENANT WAS ALSO ADDED TO ARTICLE 12 OF THE CONSTITUTION. THIS SHOULD ENABLE RWANDA TO BRING TO TRIAL SUSPECTS FOR GENOCIDE, WHICH IS A CRIME ACCORDING TO THE GENERAL PRINCIPLES OF LAW RECOGNIZED BY THE COMMUNITY OF NATIONS, ALTHOUGH IT IS NOT SO CHARACTERIZED IN THE RWANDAN CRIMINAL CODE.
16. THE CRASH PROGRAMME UNDERTAKEN BY MY SPECIAL REPRESENTATIVE FOR IMPROVING PRISON CONDITIONS HAS MITIGATED THE PROBLEM OF OVERCROWDING IN THE RWANDAN PRISONS. SIX THOUSAND DETAINEES HAVE NOW BEEN TRANSFERRED TO THE SEMI-PERMANENT DETENTION SITE AT NSINDA AND TO THE EXTENSION OF NYANZA PRISON. THE COMPLETION OF THE SECOND COURTYARD AT GITARAMA PRISON, THE IMMINENT OPENING OF ADDITIONAL TEMPORARY DETENTION SITES AND THE LAUNCHING OF TRANSFERS FROM COMMUNAL LOCK-UPS IN KIBUNGO TO THE PREFECTURE'S CIVILIAN PRISON SHOULD ALSO CONTRIBUTE TO THE IMPROVEMENT OF DETENTION CONDITIONS IN RWANDA.

IV. MILITARY AND SECURITY ASPECTS

17. THE PROVISIONS OF THE NEW MANDATE CONCERNING THE ADJUSTMENTS TO BE MADE TO THE FORCE LEVEL OF UNAMIR HAVE BEEN LARGELY IMPLEMENTED. TROOP STRENGTH HAS BEEN REDUCED FROM 1,800 TO 1,452 AND THE TARGET FIGURE OF 1,200 WILL BE REALIZED FOLLOWING THE DEPARTURE OF 153 GHANAIANS ON 31 JANUARY AND 97 CANADIANS ON 2 FEBRUARY. THE NUMBER OF MILITARY OBSERVERS AND HEADQUARTERS STAFF HAS BEEN BROUGHT DOWN TO 219 AND WILL BE FURTHER REDUCED TO THE AUTHORIZED STRENGTH OF 200, WITH THE DEPARTURE OF THE CANADIAN MILITARY OBSERVERS AND STAFF OFFICERS, ON 2 FEBRUARY (SEE ANNEX). GENERAL GUY TOUSIGNANT, WHO SERVED WITH GREAT DISTINCTION AS THE UNAMIR FORCE COMMANDER FROM 15 AUGUST 1994, LEFT THE MISSION AREA ON 15 DECEMBER 1995 UPON COMPLETION OF HIS TOUR OF DUTY. BRIGADIER GENERAL SIVA KUMAR HAS BEEN DESIGNATED AS ACTING FORCE COMMANDER OF UNAMIR. THE CIVILIAN POLICE COMPONENT OF UNAMIR HAS CEASED ITS ACTIVITIES AND ALL CIVPOL PERSONNEL HAVE BEEN REPATRIATED, IN ACCORDANCE WITH SECURITY COUNCIL RESOLUTION 1029 (1995).
18. UNAMIR LOGISTIC BASES, CONSISTING OF ABOUT 40 PERSONNEL

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EACH, HAVE BEEN DEPLOYED AT NYUNDO, NEAR GISENYI, AND SHAGASHA, NEAR CYANGUGU, TO ASSIST IN THE RETURN OF REFUGEES. PRIMARILY, THE DEPLOYMENT TO THE BORDER AREAS IS MEANT TO PROVIDE LOGISTIC SUPPORT TO UNHCR TO MOVE THE REFUGEES FROM THE BORDER TO THE TRANSIT CAMPS IN SECTORS 4 AND 5. ALL OTHER FORMED TROOPS ARE DEPLOYED IN KIGALI (SEE MAP). THE TROOPS STATIONED IN KIGALI ARE ESSENTIALLY TASKED TO CONTRIBUTE TO THE SECURITY OF THE TRIBUNAL, THE PROVISION OF HUMANITARIAN ASSISTANCE, THE PROTECTION OF UNITED NATIONS PROPERTY AND ASSETS, CONSTRUCTION WORKS AND ASSISTANCE IN REHABILITATION AND THE REPAIR OF INFRASTRUCTURE. A SMALL CONTINGENT IS ALSO DEPLOYED AT KIBUYE FOR THE PROTECTION OF MEMBERS OF THE TRIBUNAL WORKING IN THAT TOWN. WITH JUST OVER A MONTH REMAINING BEFORE THE END OF THE MANDATE, THE PREPARATIONS FOR TERMINATING THE MISSION HAVE UNAVOIDABLY CURTAILED THE FULL PERFORMANCE OF ITS TASKS.

19. ON 5 JANUARY 1996, THE PERMANENT REPRESENTATIVE OF CANADA INFORMED ME THAT HIS GOVERNMENT HAD DECIDED TO WITHDRAW ITS PARTICIPATION IN UNAMIR. IN A LETTER OF 16 JANUARY (S/1996/35), HE EXPLAINED THAT HIS GOVERNMENT CONSIDERED THAT THE UNAMIR MANDATE, AS ADJUSTED IN DECEMBER 1995, WAS NOT VIABLE IN THE LIGHT OF THE REDUCTION OF THE FORCE LEVEL EFFECTIVE 2 FEBRUARY. MY EFFORTS TO PERSUADE THE CANADIAN AUTHORITIES TO RECONSIDER THEIR DECISION HAVE PROVEN UNSUCCESSFUL. WHILE I FULLY UNDERSTAND THE ISSUE OF PRINCIPLE THAT HAS LED THE CANADIAN GOVERNMENT TO TAKE THE DECISION TO WITHDRAW, THE DEPARTURE OF THIS KEY LOGISTIC SUPPORT UNIT IS ANOTHER FACTOR REDUCING THE OPERATIONAL EFFECTIVENESS OF UNAMIR DURING THE SENSITIVE CONCLUDING PHASE OF ITS MISSION. SINCE ALTERNATIVE ARRANGEMENTS CANNOT BE MADE IN THE TIME REMAINING, THE ACTING FORCE COMMANDER HAS TAKEN STEPS TO RESTRICT THE REMAINING UNAMIR STRENGTH TO A GARRISON MODE IN KIGALI.

20. IN THE RWANDA-ZAIRE BORDER REGIONS, INFILTRATION AND SABOTAGE ACTIVITIES BY ELEMENTS OF THE FORMER RWANDESE GOVERNMENT FORCES HAVE CONTINUED, ALTHOUGH AT A LOWER LEVEL OF INTENSITY. ELECTRIC PYLONS, BRIDGES AND FACTORIES HAVE BEEN TARGETED. SOME ATTACKS WERE CARRIED OUT ON "CACHOTS" (IMPROVISED DETENTION CENTRES), LEADING TO ESCAPES BY PRISONERS. THERE WERE EIGHT REPORTED MINE INCIDENTS DURING THE PERIOD UNDER REVIEW, IN WHICH CIVILIANS AND SOLDIERS OF THE RWANDAN PATRIOTIC ARMY WERE INJURED WHILE REMOVING OR STEPPING ON ANTI-PERSONNEL MINES.

21. ANOTHER ASPECT OF THE ACTIVITIES OF THE FORMER RWANDESE GOVERNMENT FORCES CONCERNS THE ALLEGATIONS OF SALE OR SUPPLY TO THEM OF ARMS AND RELATED MATERIALS, AS WELL AS REPORTS THAT THESE FORCES ARE RECEIVING MILITARY TRAINING IN ORDER TO DESTABILIZE RWANDA. IT WILL BE RECALLED THAT, IN ORDER TO INVESTIGATE THESE REPORTS, THE SECURITY COUNCIL, IN ITS RESOLUTION 1013 (1995) OF 7 SEPTEMBER, REQUESTED ME TO ESTABLISH AN INTERNATIONAL COMMISSION OF INQUIRY. THE COMMISSION HAS BEEN IN THE MISSION AREA SINCE EARLY NOVEMBER AND HAS SUBMITTED AN INTERIM REPORT (SEE S/1996/67).

22. IN THE FACE OF THE SECURITY PROBLEMS POSED BY THE FORMER RWANDESE GOVERNMENT FORCES, THE RWANDAN PATRIOTIC ARMY HAS INCREASED ITS PATROLLING ACTIVITIES. THE PREEMPTIVE MEASURES IT HAS TAKEN AGAINST THE LOCAL POPULATION HAVE BEEN NOTICEABLY MORE SEVERE IN THE BORDER REGION THAN IN OTHER PARTS OF THE COUNTRY, WITH A COMMENSURATE INCREASE IN TENSION. ON 4 JANUARY, THE RWANDAN PATRIOTIC ARMY FIRED ROCKETS AT PARTS OF

IJWI ISLAND IN LAKE KIVU, AS IT SUSPECTED THAT THE ISLAND WAS BEING USED BY SABOTEURS. THESE INCIDENTS NOTWITHSTANDING, THE GENERAL SECURITY SITUATION IS IMPROVING STEADILY.

V. HUMANITARIAN DEVELOPMENTS

23. HUMANITARIAN OPERATIONS WITHIN RWANDA CONTINUE TO BE COORDINATED UNDER THE OVERALL LEADERSHIP OF THE DEPARTMENT OF HUMANITARIAN AFFAIRS. THE UNITED NATIONS RESIDENT COORDINATOR HAS NOW ASSUMED ALSO THE RESPONSIBILITIES OF UNITED NATIONS HUMANITARIAN COORDINATOR. THOUGH THE UNITED NATIONS RWANDA EMERGENCY OPERATION STRUCTURE WAS OFFICIALLY CLOSED AT THE END OF OCTOBER, A SUPPORT OFFICE WAS ESTABLISHED TO FACILITATE THE HUMANITARIAN COORDINATOR'S OPERATIONS. ONE OF THE PRINCIPAL ACTIVITIES OF THE HUMANITARIAN COORDINATOR WILL BE TO ENSURE THE CONTINUITY OF HUMANITARIAN ASSISTANCE TO RWANDA FOLLOWING THE DEPARTURE OF UNAMIR.

24. IN DECEMBER 1995, THE NUMBER OF RETURNEES INCREASED SLIGHTLY. ACCORDING TO UNHCR, MORE THAN 13,500 REFUGEES RETURNED TO RWANDA COMPARED TO SOME 6,700 IN NOVEMBER. THIS INCREASE WAS DUE TO AN INFLUX OF REFUGEES FROM BURUNDI WHEN 5,499 RETURNEES CROSSED THE BORDER IN UNHCR-ORGANIZED CONVOYS BETWEEN 19 AND 23 DECEMBER. UNFORTUNATELY, THE FLOW OF RETURNEES FROM THE UNITED REPUBLIC OF TANZANIA HAS NEARLY CEASED.

25. DURING THE REPORTING PERIOD, UNHCR ISSUED A $288 MILLION APPEAL TO COVER THE COST OF ITS 1996 OPERATIONS FOR RWANDAN AND BURUNDIAN REFUGEES AND RETURNEES IN THE GREAT LAKES REGION. THE NEW APPEAL PLACES SPECIAL EMPHASIS ON VOLUNTARY REPATRIATION TO RWANDA IN 1996, AND PLANS FOR A SHIFT IN UNHCR PROGRAMMES FROM CARE AND MAINTENANCE OF REFUGEES IN COUNTRIES OF ASYLUM TO RETURN AND REINTEGRATION IN THE COUNTRY OF ORIGIN. THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), THE WORLD FOOD PROGRAMME (WFP), THE UNITED NATIONS CHILDREN'S FUND (UNICEF), OTHER UNITED NATIONS AGENCIES AND NGOS ARE COLLABORATING IN THESE EFFORTS.

26. AT THE RWANDA/ZAIRE/UNHCR TRIPARTITE COMMISSION MEETING HELD IN GENEVA ON 20 DECEMBER, THE THREE PARTIES EXPRESSED STRONG CONCERN AT THE RECENT DECLINE IN THE REPATRIATION OF REFUGEES TO RWANDA. THE HIGH COMMISSIONER FOR REFUGEES INFORMED THE MEETING THAT POLITICAL FACTORS, AN INCREASE IN INSECURITY IN THE REGION AND A FAILURE BY THE PARTIES TO TRANSLATE EARLIER COMMITMENTS INTO CONCRETE ACTION WERE IN PART RESPONSIBLE FOR THE SLOW PROGRESS IN GETTING PEOPLE BACK HOME. IN A JOINT COMMUNIQUE, RWANDA REAFFIRMED ITS COMMITMENT TO ESTABLISH THE NECESSARY CONDITIONS FOR THE SAFE RETURN OF REFUGEES AND TO STRENGTHEN ITS CAPACITY TO WELCOME THEM HOME. ZAIRE REAFFIRMED ITS COMMITMENT TO RID THE CAMPS OF THOSE RESORTING TO INTIMIDATION TO BLOCK THE RETURN OF REFUGEES. THE MEETING WAS THE SECOND BETWEEN UNHCR, RWANDA AND ZAIRE ON THIS MATTER. THE TRIPARTITE COMMISSION CONSISTING OF RWANDA, THE UNITED REPUBLIC OF TANZANIA AND UNHCR HELD ITS THIRD MEETING IN KIGALI ON 7 AND 8 DECEMBER 1995. THE "GO AND SEE" VISITS OF REFUGEES TO RWANDA CONTINUED DURING THE MONTHS OF DECEMBER AND JANUARY. IN ALL, 474 REFUGEES PARTICIPATED IN OVER 30 SUCH VISITS FROM THREE COUNTRIES OF ASYLUM SINCE THE PROGRAMME WAS INITIATED IN MID-1995: 342 FROM BURUNDI, 122 FROM THE UNITED REPUBLIC OF TANZANIA AND 10 FROM ZAIRE.

27. REPORTED CLASHES BETWEEN ARMED GROUPS AND SOLDIERS IN BURUNDI PROVOKED A SURGE IN RETURNS TO RWANDA. SOME 7,000 REFUGEES DID SO DURING DECEMBER. ANOTHER 2,000 WHO WERE TRYING TO CROSS INTO THE UNITED REPUBLIC OF TANZANIA FROM BURUNDI ON

21 DECEMBER WERE FORCED BACK BY TANZANIAN AUTHORITIES.
28. FIGHTING DURING THE NIGHT OF 17/18 JANUARY IN MUGANO, MIYUNGA PROVINCE, IN NORTHERN BURUNDI, TRIGGERED AN EXODUS OF SOME 15,000 RWANDAN REFUGEES WHO FLED TO THE BORDER OF THE UNITED REPUBLIC OF TANZANIA, WHICH HAD BEEN OFFICIALLY CLOSED. ACCORDING TO UNHCR, TANZANIAN OFFICIALS ALLOWED ENTRY OF THE REFUGEES ON HUMANITARIAN GROUNDS. ON 20 JANUARY, MORE THAN 14,000 RWANDAN REFUGEES FEARING THE SPREAD OF ETHNIC FIGHTING ABANDONED NEARBY NTAMBA CAMP AND HEADED TOWARDS THE TANZANIAN BORDER. AS OF 25 JANUARY, AN ESTIMATED 3,000 RWANDAN REFUGEES FROM NTAMBA HAD CROSSED INTO THE UNITED REPUBLIC OF TANZANIA, MORE THAN 11,000 HAD RETURNED TO THE NTAMBA SITE, WHILE A GROUP OF 140 CHOSE TO RETURN VOLUNTARILY TO RWANDA.
29. ON 15 DECEMBER, UNDP AND THE RWANDAN MINISTRY OF PLANNING SIGNED A PROJECT FOR THE URGENT URBAN RESETTLEMENT OF REFUGEES. THE ONE-YEAR PROJECT WILL BE EXECUTED BY THE UNITED NATIONS CENTRE FOR HUMAN SETTLEMENTS (HABITAT), IN COOPERATION WITH THE MINISTRY OF REHABILITATION AND SOCIAL INTEGRATION. THE BUDGET OF $1.5 MILLION IS FINANCED BY THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. THE OBJECTIVE OF THE PROJECT IS TO FACILITATE THE RESETTLEMENT OF RETURNEES IN URBAN AND SEMI-URBAN AREAS BY PREPARING AND DEVELOPING SITES.
30. ON 9 DECEMBER 1995, UNDP ALSO SIGNED A PREPARATORY ASSISTANCE PROJECT TO SUPPORT THE SAME MINISTRY IN THE IMPLEMENTATION OF THE GOVERNMENT'S ACCELERATED PLAN OF ACTION FOR THE REINSTALLATION AND REINSERTION OF REFUGEES AND FORMERLY DISPLACED PERSONS. THE ONE-YEAR PROJECT WILL BE EXECUTED BY THE UNITED NATIONS OFFICE OF PROJECT SERVICES AND IMPLEMENTED BY THE MINISTRY. THE BUDGET IS $1,159,000, OF WHICH $186,336 COMES FROM CO-FINANCING BY THE NETHERLANDS. THIS PREPARATORY ASSISTANCE WILL REINFORCE GOVERNMENT AND LOCAL ADMINISTRATION CAPACITY TO PLAN, IMPLEMENT, MONITOR AND EVALUATE REINSTALLATION ACTIVITIES AT BOTH THE NATIONAL AND THE LOCAL LEVELS.
31. OWING TO THE DEPARTURE OF A NUMBER OF NGOS, FOUR OF WHICH WERE ITS IMPLEMENTING PARTNERS, UNICEF HAS TAKEN EMERGENCY STEPS TO AVOID THE BREAKDOWN OF SERVICES IN SEVERAL UNACCOMPANIED CHILDREN'S CENTRES RUN BY THESE NGOS. REPLACEMENT AGENCIES HAVE BEEN FOUND FOR TWO OF THE CENTRES. THE THREE OTHER CENTRES REMAIN WITHOUT NGO FINANCIAL AND TECHNICAL ASSISTANCE, ALTHOUGH NATIONAL STAFF ARE STILL PRESENT. THE ACTIVITIES OF UNHCR, WFP AND OTHER UNITED NATIONS AGENCIES WERE ALSO AFFECTED BY THE GOVERNMENT OF RWANDA'S DECISION TO EXPEL A NUMBER OF NGOS.
32. UNICEF IS COLLABORATING WITH A NUMBER OF NGOS FOR ITS 1996 ACTIVITIES ON BEHALF OF VULNERABLE WOMEN AND CHILDREN.

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IN ORDER TO SUPPORT A STUDY ON STREET CHILDREN AND TO PROVIDE TECHNICAL EXPERTISE IN THE MIYOVE CENTRE FOR WOMEN PRISONERS AND THEIR CHILDREN, UNICEF WILL SIGN TWO SEPARATE AGREEMENTS WITH SAVE THE CHILDREN'S FUND-USA. UNICEF WILL SUPPORT THE NGO "FOOD FOR THE HUNGRY" IN PROVIDING ASSISTANCE TO VULNERABLE HOUSEHOLDS WITHIN THE COUNTRY AND FOR THE REINTEGRATION AND RESETTLEMENT OF RETURNEE FOSTER FAMILIES.

VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

33. FUNDS PLEDGED TO DATE BY DONORS HAVE REACHED $1,264 MILLION, AS AGAINST $587 MILLION REGISTERED INITIALLY AT THE GENEVA ROUND-TABLE CONFERENCE OF JANUARY 1995. THE INCREASE CAME MAINLY FROM (A) A CONTINUATION OF PROJECTS PREVIOUSLY IN THE PIPELINE THAT THE GOVERNMENT OF RWANDA HAD NOT CONSIDERED TO BE ON THEIR NEW PRIORITY LIST AND (B) ADDITIONAL PLEDGES MADE BY DONORS AT THE JULY 1995 ROUND-TABLE MID-TERM REVIEW. ADDITIONAL PLEDGES FROM THE EUROPEAN UNION AND JAPAN WERE MADE AT THE THEMATIC CONSULTATION ON REFUGEES HELD IN NOVEMBER 1995. COMMITMENTS TO DATE BY DONORS ARE ESTIMATED AT $878.5 MILLION. THE LARGEST COMMITMENTS HAVE COME FROM THE WORLD BANK ($224 MILLION), THE EUROPEAN UNION ($125 MILLION), THE UNITED STATES OF AMERICA ($122 MILLION) AND GERMANY ($103 MILLION).

34. DISBURSEMENTS TO DATE BY DONORS ARE ESTIMATED AT $483.9 MILLION, EQUIVALENT TO 69 PER CENT OF THE TOTAL PLEDGED IN GENEVA, A REMARKABLE IMPROVEMENT OVER MAY (9 PER CENT), JULY (15 PER CENT) AND SEPTEMBER (43 PER CENT) DISBURSEMENTS. AT THE GOVERNMENT'S REQUEST, A FEW DONORS HAVE EXPEDITED THEIR BILATERAL DISBURSEMENT PROCEDURES AND/OR CONTRIBUTED THROUGH THE SECRETARY-GENERAL'S TRUST FUND OR THE UNDP TRUST FUND. THE SECRETARY-GENERAL'S TRUST FUND WAS ESTABLISHED IN THE IMMEDIATE AFTERMATH OF THE RWANDAN CRISIS, IN ORDER TO FACILITATE THE RAPID DISBURSEMENT OF FUNDS. IN EARLY 1995, THE UNDP TRUST FUND WAS CONSTITUTED TO CHANNEL RESOURCES FROM DONORS FOR REHABILITATION PROJECTS. TO DATE, CONTRIBUTIONS PLEDGED VIA THE TRUST FUND AND COST-SHARING ARRANGEMENTS MANAGED BY UNDP TOTAL $43.5 MILLION.

35. REACTIVATING THE JUDICIAL SYSTEM REMAINS A PRIORITY OF UNITED NATIONS AGENCIES OPERATING IN RWANDA. ALTHOUGH PROGRESS IS SLOW ON ACCOUNT OF THE GOVERNMENT'S LACK OF CAPACITY AND THE ENORMOUS COMPLEXITY OF TRYING THOSE SUSPECTED OF GENOCIDE, STEPS WERE TAKEN IN DECEMBER TO REMEDY THAT SITUATION. THE MINISTRY FOR THE REHABILITATION AND FUNCTIONING OF THE JUDICIARY IDENTIFIED FOUR PRIORITY AREAS AND IMPLEMENTATION OF PROGRAMMES DESIGNED TO REHABILITATE THE JUDICIAL SYSTEM IS UNDER WAY.

36. IN ACCORDANCE WITH A RECOMMENDATION MADE DURING A CONFERENCE ON GENOCIDE HELD IN KIGALI, THE MINISTRY OF JUSTICE ANNOUNCED ITS DESIRE TO ESTABLISH 11 "SPECIAL COURTS" FOR THE TREATMENT OF GENOCIDE CASES. THESE COURTS COULD BE SUPPORTED BY SIX INTERNATIONAL EXPERTS WHO COULD BE RECRUITED THROUGH UNDP'S "SUPPORT TO THE REHABILITATION OF THE JUDICIARY" PHASE

Chief. Fr CAO Spokesman

II PROJECT. FOUR MORE SPECIALISTS COULD BE RECRUITED TO SUPPORT THE PUBLIC PROSECUTOR OF THE SUPREME COURT. INCENTIVES ARE BEING EXAMINED IN ORDER TO INCREASE THE PRODUCTIVITY OF JUDICIARY PUBLIC SERVANTS AND TO RECRUIT QUALIFIED AND EXPERIENCED CANDIDATES FOR KEY POSITIONS.

37. THE WORK OF THE TRIAGE COMMITTEES IS SCHEDULED TO RESUME IN MID-JANUARY AND THE NECESSARY ADMINISTRATIVE DECISIONS ARE BEING PREPARED BY THE MINISTRY OF JUSTICE TO BE PRESENTED TO THE GOVERNMENT FOR OFFICIAL APPROVAL. THE ASSESSMENT OF MATERIAL NEEDS FOR THE PROPER FUNCTIONING OF THE SUPREME COURT HAS BEEN COMPLETED.

VII. FINANCIAL ASPECTS

38. IN ITS RESOLUTION 50/211 OF 23 DECEMBER 1995, THE GENERAL ASSEMBLY APPROPRIATED AN AMOUNT OF $32,324,500 GROSS FOR THE FINANCING OF THE ASSISTANCE MISSION FOR THE FINAL PERIOD, FROM 1 JANUARY TO 8 MARCH 1996.

39. PURSUANT TO THE SECURITY COUNCIL'S REQUEST TO INITIATE PLANNING FOR THE COMPLETE WITHDRAWAL OF UNAMIR WITHIN A PERIOD OF SIX WEEKS AFTER THE EXPIRY OF ITS MANDATE, I SHALL SEEK THE ADDITIONAL RESOURCES REQUIRED FOR THE WITHDRAWAL FROM THE GENERAL ASSEMBLY AT ITS RESUMED FIFTIETH SESSION.

40. AS OF 15 JANUARY 1996, THE TOTAL OUTSTANDING CONTRIBUTIONS TO THE UNAMIR SPECIAL ACCOUNT SINCE THE INCEPTION OF THE MISSION TO 8 DECEMBER 1995 AMOUNTED TO $58.5 MILLION. THIS AMOUNT DOES NOT REFLECT THE MOST RECENT APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PERIOD FROM 1 JANUARY TO 8 MARCH 1996. TOTAL OUTSTANDING ASSESSED CONTRIBUTIONS FOR ALL PEACE-KEEPING OPERATIONS STOOD AT $1,702.8 MILLION AS OF 15 JANUARY 1996.

VIII. CONCLUDING OBSERVATIONS

41. MORE THAN SIX WEEKS HAVE NOW ELAPSED SINCE THE SECURITY COUNCIL ADOPTED RESOLUTION 1029 (1995), WHICH FOCUSED THE MANDATE OF UNAMIR ON THE ASSISTANCE IT SHOULD PROVIDE IN TERMS OF GOOD OFFICES AND LOGISTICS TO FACILITATE THE REPATRIATION OF RWANDAN REFUGEES. I NOTE WITH CONCERN THAT, TO DATE, DESPITE THE COMBINED EFFORTS OF UNAMIR AND OTHER UNITED NATIONS AGENCIES AND PROGRAMMES WORKING IN RWANDA, PARTICULARLY UNHCR, THE REPATRIATION PROCESS CONTINUES TO BE VERY SLOW. MOREOVER, THERE HAS BEEN NO EVIDENCE SO FAR THAT THE PROCESS WILL ACQUIRE THE DESIRED MOMENTUM BEFORE THE END OF THE FINAL MANDATE PERIOD OF UNAMIR.

42. AS STATED IN MY PREVIOUS REPORTS, I REMAIN CONVINCED THAT LONG-TERM PEACE IN RWANDA WILL REMAIN ELUSIVE AS LONG AS LARGE CONCENTRATIONS OF RWANDAN NATIONALS REMAIN ENCAMPED IN NEIGHBOURING COUNTRIES. I THEREFORE WELCOME THE INITIATIVES BEING TAKEN AT THE REGIONAL LEVEL TO HELP TO RESOLVE THE PROBLEM.

43. GENUINE PEACE AND RECONCILIATION IN RWANDA WILL ALSO DEPEND ON THE PROGRESS THAT WILL BE MADE IN THE EFFORTS OF THE GOVERNMENT AND THE INTERNATIONAL COMMUNITY TO PUT AN END TO THE PREVAILING ENVIRONMENT OF IMPUNITY, BY BRINGING TO JUSTICE THOSE ACCUSED OF GENOCIDE AND MASSACRES. I NOTE WITH SATISFACTION THAT THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ISSUED ITS FIRST INDICTMENTS ON 12 DECEMBER 1995, THAT THE TRIBUNAL WAS ABLE TO HOLD ITS FIRST PLENARY SESSION IN ARUSHA ON 8 JANUARY 1996 AND THAT THE PROCEEDINGS WILL BEGIN IN MARCH. THE MEASURES BEING TAKEN BY THE SUPREME COURT OF RWANDA TO REACTIVATE THE COUNTRY'S JUDICIAL SYSTEM ARE ALSO WELCOME.

44. PROGRESS IS ALSO BEING MADE IN THE FIELDS OF

REHABILITATION, RECONSTRUCTION AND DEVELOPMENT. THE FUNDS PLEDGED BY DONOR COUNTRIES FOR THE DEVELOPMENT OF RWANDA HAVE INCREASED SIGNIFICANTLY SINCE THE DONORS' ROUND-TABLE CONFERENCE OF JANUARY 1995. ACTUAL DISBURSEMENT HAS ALSO INCREASED, MAKING IT POSSIBLE TO LAUNCH A NUMBER OF REHABILITATION AND RECONSTRUCTION PROJECTS. IN THIS CONTEXT, IT IS MY HOPE THAT THE ONGOING EFFORTS AIMED AT IMPROVING CONDITIONS OF DETENTION IN RWANDA'S PRISONS WILL CONTINUE.

45. THE MANDATE OF UNAMIR WILL EXPIRE ON 8 MARCH 1996 AND THE OPERATION WILL BE PHASED OUT WITHIN SIX WEEKS, AS PRESCRIBED BY SECURITY COUNCIL RESOLUTION 1029 (1995). I STATED IN MY LAST REPORT TO THE SECURITY COUNCIL (S/1995/1002) THAT THE UNITED NATIONS STILL HAD A USEFUL ROLE TO PLAY IN RWANDA. THAT ASSESSMENT REMAINS VALID, ESPECIALLY IN LIGHT OF THE GOVERNMENT'S INDICATION THAT THE COUNTRY'S OVERWHELMING NEEDS REQUIRE THE CONTINUED ATTENTION AND ASSISTANCE OF THE INTERNATIONAL COMMUNITY.

46. DESPITE THE REAL PROGRESS THAT HAS BEEN MADE TOWARDS THE RESTORATION OF NORMAL CONDITIONS IN RWANDA AFTER THE TRAUMA AND DESTRUCTION INFLICTED BY THE GENOCIDE OF 1994, IT IS EVIDENT THAT MUCH MORE REMAINS TO BE DONE. THERE IS NO DOUBT THAT THE INTERNATIONAL COMMUNITY SHOULD CONTINUE TO LEND ITS SUPPORT TO THE EFFORTS OF THE RWANDAN GOVERNMENT TO ACHIEVE GENUINE PEACE AND RECONCILIATION, WHICH ARE THE NECESSARY CONDITIONS FOR SUSTAINABLE REHABILITATION AND RECONSTRUCTION.

47. MY SPECIAL REPRESENTATIVE IS CURRENTLY EXAMINING WITH THE GOVERNMENT, AS WELL AS WITH THE RELEVANT UNITED NATIONS AGENCIES, THE POSSIBLE NATURE AND MANDATE OF A CONTINUED UNITED NATIONS PRESENCE IN RWANDA AFTER THE EXPIRATION OF UNAMIR'S FINAL MANDATE PERIOD ON 8 MARCH 1996. IN THE LIGHT OF THOSE DISCUSSIONS, I SHALL PRESENT APPROPRIATE RECOMMENDATIONS IN THIS REGARD IN MY NEXT REPORT TO THE SECURITY COUNCIL.

ANNEX

COMPOSITION OF THE UNAMIR MILITARY COMPONENT AS OF 22 JANUARY 1996

COUNTRY	MILITARY PERSONNEL			
	TROOPS	STAFF/MILITARY OBSERVERS	POLICE	TOTAL
AUSTRIA	11			
BANGLADESH	11			
CANADA	A/9	749	110	
CONGO	77			
GHANA	B/2	961	725	338
GUINEA	15	15		
GUINEA-BISSAU	11			
INDIA	C/8	411	222	875
MALAWI	85	893		
NIGERIA	1331	412	159	
RUSSIAN FEDERATION	15	15		
SENEGAL	123			
URUGUAY	17	17		
ZAMBIA	15	823		
ZIMBABWE	13	13		
TOTAL	1 452	631	561	671

A/ ALL CANADIAN PERSONNEL (110) LEAVING THE MISSION ON 2 FEBRUARY 1996.

B/ ONE HUNDRED AND FIFTY THREE TROOPS LEAVING THE MISSION BY 31 JANUARY 1996.

C/ · FIVE STAFF OFFICERS LEAVING THE MISSION BY 31 JANUARY 1996.

END OF PART 3 OF 3
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FILE :SC6165 - PART 2 OF 2
DOC SYMBOL:SC/6165

RECEIVED
30 JAN 1996
OFFICE OF THE SRSG
UNAMIR

"THE SECURITY COUNCIL,

"RECALLING THE STATEMENT BY ITS PRESIDENT OF 5 JANUARY 1996 (S/PRST/1996/1),

"HAVING CONSIDERED THE LETTERS OF THE SECRETARY-GENERAL TO THE PRESIDENT OF THE COUNCIL DATED 29 DECEMBER 1995 (S/1995/1068) AND 16 JANUARY 1996 (S/1996/36),

"DEEPLY CONCERNED AT THE CONTINUED DETERIORATION IN THE SITUATION IN BURUNDI, AND AT THE THREAT THIS POSES TO THE STABILITY OF THE REGION AS A WHOLE,

"CONDEMNING IN THE STRONGEST TERMS THOSE RESPONSIBLE FOR THE INCREASING VIOLENCE, INCLUDING AGAINST REFUGEES AND INTERNATIONAL HUMANITARIAN PERSONNEL,

"UNDERLINING THE IMPORTANCE IT ATTACHES TO THE CONTINUATION OF HUMANITARIAN ASSISTANCE TO REFUGEES AND DISPLACED PERSONS IN BURUNDI,

"UNDERLINING ALSO THE RESPONSIBILITY OF THE AUTHORITIES IN BURUNDI FOR THE SECURITY OF INTERNATIONAL PERSONNEL AND OF REFUGEES AND DISPLACED PERSONS THERE,

"WELCOMING IN THIS CONTEXT THE RECENT VISIT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES TO BURUNDI, AT THE REQUEST OF THE SECRETARY-GENERAL, AND PLANS FOR THE ESTABLISHMENT OF A STANDING MECHANISM OF CONSULTATION ON SECURITY ISSUES BETWEEN THE GOVERNMENT OF BURUNDI, THE UNITED NATIONS AND NON-GOVERNMENTAL ORGANIZATION,

"STRESSING THE PARAMOUNT IMPORTANCE OF, AND IMPERATIVE NEED FOR, ALL CONCERNED IN BURUNDI TO PURSUE DIALOGUE AND NATIONAL RECONCILIATION,

"STRESSING THE IMPORTANCE IT ATTACHES TO THE CONTINUATION AND INTENSIFICATION OF EFFORTS BY THE INTERNATIONAL COMMUNITY TO AVERT A FURTHER WORSENING OF THE SITUATION IN BURUNDI, AND TO PROMOTE DIALOGUE AND NATIONAL RECONCILIATION THERE,

"NOTING WITH APPRECIATION THE ONGOING EFFORTS OF THE SECRETARY-GENERAL AND HIS STAFF, THE ORGANIZATION OF AFRICAN UNITY AND ITS MILITARY OBSERVERS IN BURUNDI, THE EUROPEAN UNION, AND THE FACILITATORS APPOINTED BY THE CAIRO CONFERENCE OF HEADS OF STATE OF THE GREAT LAKES REGION HELD ON 29 NOVEMBER 1995,

"REAFFIRMING ITS SUPPORT FOR THE CONVENTION OF GOVERNMENT OF 18 SEPTEMBER 1994 (S/1995/190, ANNEX), AND FOR THE INSTITUTIONS OF GOVERNMENT ESTABLISHED IN LINE WITH IT,

"1. DEMANDS THAT ALL CONCERNED IN BURUNDI EXERCISE RESTRAINT AND REFRAIN FROM ACTS OF VIOLENCE;

"2. EXPRESSES ITS FULLEST SUPPORT FOR THE EFFORTS OF THE SECRETARYGENERAL AND OTHERS, IN SUPPORT OF THE CONVENTION OF GOVERNMENT, TO FACILITATE A COMPREHENSIVE POLITICAL DIALOGUE WITH THE OBJECTIVE OF PROMOTING NATIONAL RECONCILIATION, DEMOCRACY, SECURITY AND THE RULE OF LAW IN BURUNDI;

"3. CALLS UPON ALL CONCERNED IN BURUNDI TO PARTICIPATE IN A POSITIVE SPIRIT AND WITHOUT DELAY IN SUCH DIALOGUE, AND TO SUPPORT THE EFFORTS OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL AND OTHERS SEEKING TO FACILITATE SUCH

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.DIALOGUE:

"4. INVITES MEMBER STATES AND OTHERS CONCERNED TO COOPERATE IN THE IDENTIFICATION AND DISMANTLING OF RADIO STATIONS WHICH INCITE HATRED AND ACTS OF VIOLENCE IN BURUNDI:

"5. REQUESTS THE SECRETARY-GENERAL, IN CONSULTATION AS APPROPRIATE WITH THE ORGANIZATION OF AFRICAN UNITY AND WITH MEMBER STATES CONCERNED, TO CONSIDER WHAT FURTHER STEPS OF A PREVENTIVE NATURE MAY BE NECESSARY IN ORDER TO AVOID THE SITUATION DETERIORATING FURTHER, AND TO DEVELOP CONTINGENCY PLANS AS APPROPRIATE:

"6. WELCOMES THE SENDING BY THE SECRETARY-GENERAL OF A TECHNICAL SECURITY MISSION TO BURUNDI TO EXAMINE WAYS TO IMPROVE EXISTING SECURITY ARRANGEMENTS FOR UNITED NATIONS PERSONNEL AND PREMISES AND THE PROTECTION OF HUMANITARIAN OPERATIONS;

"7. REQUESTS THE SECRETARY-GENERAL TO KEEP THE COUNCIL CLOSELY INFORMED, INCLUDING ON THE TECHNICAL SECURITY MISSION HE HAS SENT TO BURUNDI, AND TO SUBMIT A FULL REPORT TO THE COUNCIL BY 20 FEBRUARY 1996 ON THE SITUATION, COVERING THE PROGRESS OF HIS EFFORTS TO FACILITATE A COMPREHENSIVE POLITICAL DIALOGUE AND THE ACTIONS UNDERTAKEN PURSUANT TO PARAGRAPH 5 ABOVE, INCLUDING CONTINGENCY PLANNING:

"8. DECLARES ITS READINESS IN THE LIGHT OF THAT REPORT AND OF DEVELOPMENTS IN THE SITUATION:

"(A) TO CONSIDER THE IMPOSITION OF MEASURES UNDER THE CHARTER OF THE UNITED NATIONS, INCLUDING A BAN ON THE SUPPLY OF ALL ARMS AND RELATED MATERIEL TO BURUNDI AND TRAVEL RESTRICTIONS AND OTHER MEASURES AGAINST THOSE LEADERS IN BURUNDI WHO CONTINUE TO ENCOURAGE VIOLENCE; AND

"(B) TO CONSIDER WHAT OTHER STEPS MAY NEED TO BE TAKEN:

"9. DECIDES TO REMAIN SEIZED OF THE MATTER."

END OF PART 2 OF 2

DOC SYMBOL:SC/6165

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INTERNATIONAL

U.N. Delays Substantive Action on Burundi

UNITED NATIONS — After weeks of urgent warnings from Secretary General Boutros Boutros-Ghali and relief agencies that Burundi was on the brink of a potentially genocidal civil war, the Security Council Monday passed a resolution offering a homily on restraint, reconciliation and the rule of law, but putting off any international action on the crisis until late next month at the earliest.

The lack of movement in the Council in part reflects the unwillingness of any major power to take the lead in pushing for stronger measures. At the same time, the delay is providing Burundi's powerful military time to harden its position against outside involvement, threatening to erode what leverage the United Nations might have there.

On Monday, Burundi's envoy, Nsanze Terence, tried to derail voting on the resolution at the last minute by objecting to a passage that leaves open the possibility of a future arms embargo and sanctions "against those leaders in Burundi who continue to encourage violence."

But unable to agree on any formula for immediate action, the Security Council asked Mr. Boutros-Ghali to study possible preventive measures and report back on Feb. 20.

The slow-motion response of the Council has redoubled pleas for action from international relief organizations caring for thousands of refugees and displaced people in Burundi, many from neighboring Rwanda.

By BARBARA CROSSETTE

Siberia Logging Venture Sets Off Battle in U.S.

WASHINGTON — A team of American entrepreneurs and their Russian partners have devised a novel way to turn cold-war atomic expertise to peacetime profits: by sterilizing Russian logs with radiation to make them safe for export to the United States.

Backers call the plan an example of one nation helping another to beat bombs into buzz saws. But opponents see it as an environmentally reckless raid on the planet's greatest forests.

The proposal has received financial support from a little-known venture fund sponsored by the Pentagon, and condemnation from a conservation group that likewise gets financial aid from the Federal Government.

It is one of many joint forestry projects encouraged by the American timber industry and the hard-pressed Russian Federation, the kind of venture that Vice President Al Gore and Prime Minister Viktor S. Chernomyrdin of Russia are striving to nurture at their latest economic consultations in Washington this week.

Supporters say the project would employ thousands of Russians and earn millions of foreign-exchange dollars while preserving American sawmill jobs. But environmentalists fear that unfettered logging could damage virgin forests and the habitat of rare species in the vast Siberian wilderness, a region that holds one-fifth of the planet's forests.

By JOHN H. CUSHMAN Jr.

Though Late, Prisoner Release Progresses in Bosnia

SARAJEVO, Bosnia and Herzegovina — Bosnia's warring factions inched closer Monday to meeting their humanitarian obligations under the Dayton accord, although they are more than one week behind schedule and have yet to free at least 112 additional prisoners.

So far, more than 500 war prisoners have been released by all sides over the last 10 days, including more than 160 prisoners freed Sunday and Monday. The prisoner exchanges came after a slow and tenuous start that stumbled on mutual accusations of bad-faith in counting and the Bosnian Government's declared intention to link any exchanges to an accounting of several thousand missing civilians from Srebrenica.

While officers from the NATO-led implementation force known as IFOR, which monitors compliance with the accord, praised the latest releases, they added that some prisoners were still being held, including some who have been accused of being war criminals. The Red Cross has also been denied access to the Bosnian Government's military prison in Tuzla, where many soldiers are thought to be incarcerated.

Briefly Noted

10-Year Terms Sought for G.I.'s

TOKYO — Japanese prosecutors Monday demanded 10-year prison terms for three American servicemen accused of the rape of a 12-year-old Okinawan girl, a crime that brought nationwide resentment against American bases in Japan.

The requested sentence is considered harsh by Japanese standards, but some opponents of the United States bases in Okinawa said it would be too light given the nature of the crime and the age of the victim. A panel of three judges is scheduled to announce the verdicts and sentences on March 7.

South Africa Gunmen Kills 8

JOHANNESBURG (Reuters) — South African gunmen killed eight people and wounded 28 Monday in a cold-blooded attack on job-seekers which the ruling party says may have been designed to undermine peace efforts in a violence-racked province. A union spokesman said the attack could, however, be linked to a factory's plans to create more jobs and reduce overtime for existing workers.

President Nelson Mandela's ruling African National Congress said the attack on a line of job-seekers outside a Johannesburg factory may have been politically motivated and aimed at undermining peace efforts in volatile KwaZulu-Natal province, at the other end of the country.

Fire Razes Venice Opera House

VENICE (AP) — A fire Monday evening destroyed the opera house La Fenice, a 204-year-old jewel that was one of Italy's greatest artistic institutions. Hundreds of Venetians gathered outside the structure as flames licked through the roof, the ANSA news agency said. There were no reports of injuries and the cause was under investigation.

New Leader Defends Niger Coup

NIAMEY, Niger — State-run radio played citizens' purported messages of thanks Monday for a weekend coup, and Niger's new military leader offered no promises about returning the country to democracy.

Col. Barre Mainassara Ibrahim told visiting West African diplomats that the army ousted Niger's first democratically elected government to end a "catastrophic" government deadlock of rival political parties.

File Security Council 26/1/95

in the country; and that the Council would urgently consider what further steps might be appropriate.

On the situation in Rwanda, the Secretary-General noted that the former Tanzanian President Nyerere remained optimistic, while he himself was of the opinion that tension between the Tutsi and the moderate Hutu elements in the Government was now even greater than before. On the Commission of Inquiry in Rwanda, he recalled that the Commission had encountered a problem during its trip to Goma because the Zairian authorities had insisted that their representatives accompany the Commission and be present at all times, which was not in accordance with the mandate of the Commission. Replying to a question from Egypt, the Secretary-General expressed the view that the Rwandan Government was unwilling to negotiate, did not accept the return of refugees, and had expelled a number of NGOs from the country. This did not augur well for a renewal of international aid commitments, the Secretary-General opined.

Turning to the situation in Haiti, the Secretary-General noted that the UNMIH mandate would end on 29 February 1996, beginning with the withdrawal of US contingents in the UN force. He recalled that SRSG Brahimi had been informed by President-elect Préval of the Government's desire to have the UNMIH mandate extended by six months at a lower level of personnel. The Secretary-General underlined that the UN needed to continue its presence in Haiti over the course of the next six months. On the UN/OAS human rights mission, which would complete its operations on 6 February, he noted that the President-elect had also asked for a continuation of that mission, but the Secretariat had not yet received any official requests. On the proposed UNMIH mandate extension, the Russian Federation asked the Secretary-General what tasks the Mission would perform. The Secretary-General noted that the UN should avoid withdrawing quickly and that a period of transition should be envisaged. To interrupt the operation abruptly could cause further problems.

On the situation in Sierra Leone, the Secretary-General said that he had been in contact with Mr. James Jonah and that assurances were given by the new Head of State that the elections would be carried out as planned, on 26 February.

OTHER MATTERS

The President introduced a draft Presidential statement (attachment) on the Palestinian elections held on 20 January 1996. The Council agreed that the President would make the statement, as amended, to the media and that it would subsequently be issued as a document of the Security Council.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/1029 (1995)
12 December 1995

RESOLUTION 1029 (1995)

Adopted by the Security Council at its 3605th meeting, on 12 December 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994, 925 (1994) of 8 June 1994, 965 (1994) of 30 November 1994 and 997 (1995) of 9 June 1995, which set out the mandate of UNAMIR,

Recalling its resolution 955 (1994) of 8 November 1994, establishing the International Tribunal for Rwanda, and its resolution 978 (1995) of 27 February 1995, concerning the necessity for the arrest of persons suspected of committing genocide in Rwanda,

Having considered the report of the Secretary-General on UNAMIR dated 1 December 1995 (S/1995/1002),

Noting the letters of the Foreign Minister of Rwanda to the Secretary-General of 13 August 1995 and 24 November 1995 (S/1995/1018, Annex I and S/1995/1018, Annex II),

Stressing the importance of the voluntary and safe repatriation of Rwandan refugees and of genuine national reconciliation,

Noting with great concern continuing reports of military preparations and incursions into Rwanda by elements of the former regime, underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda, and welcoming in this context the establishment of the International Commission of Inquiry pursuant to its resolution 1013 (1995) of 7 September 1995,

File Security

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OFFICE OF THE UNITED NATIONS SECURITY COORDINATOR

UNSECOORD

◄ FAX MESSAGE ►

TO: Mr. Mohammed Shaharyar Khan
Designated Official
Rwanda

FAX No: 212-963-3090

FROM: Benon V. Sevan
United Nations Security Coordinator

FAX: 212-963-4104

DATE: 14 March 1996

SUBJECT: Designated Official for Rwanda

I should like to express my sincere gratitude for your distinguished service as Designated Official for Rwanda, and would be most grateful if you would agree to continue to serve as Designated Official beyond UNAMIR.

On receipt of your reply I will advise Agencies accordingly. Warmest personal regards,

Sir: Mr. O'Leland has been assigned to you. (Vide other fax). —

Pl confirm.

SRSG

OFFICE OF THE UNITED NATIONS SECURITY CO-ORDINATOR

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UNSECOORD

RECEIVED
15 MAR 1996
OFFICE OF THE SRSG
UNAMIR

TO: Mr. Sukehiro Hasegawa
UNDP Resident Representative
Rwanda

FAX NO: 873 150 74 45 & 250 75 089

FROM: Benon V. Sevan
United Nations Security Co-ordinator

FAX NOS: 1-212-963-4104 & 1-212-963-3755

DATE: 13 March 1996

SUBJECT: Field Security Officer, Mr. John Cleland

As you are aware, I have decided to confirm the Special Representative of the Secretary-General, Mr. Shaharyar Khan, as the Designated Official for Rwanda in the wake of the forthcoming wrap-up of UNAMIR operations in the country.

In making this decision I have taken into account not only Mr. Khan's long experience in the security area in the country, but also the very special functions which he will continue to have as the Special Representative of the Secretary-General in Kigali. I have also decided to confirm you as the Alternate Designated Official for Rwanda.

Since January 1995, Mr. John Cleland (Field Security Officer) has been assisting you with security planning and management. Because of the fact that the staffing of Mr. Khan's office will be substantially reduced in coming weeks, I would like to request your urgent cooperation in volunteering Mr. Cleland's services to assist the Designated Official on a full-time basis.

Because of the fact that Mr. Cleland's post is entirely funded by the UN Agencies, Programmes and Funds represented in Kigali, I also wish to request your assistance in endorsing my request vis-à-vis the remaining members of the UN Security Management Team, who will meet under Mr. Khan's leadership.

cc: Mr. Gutierrez
Mr. Shaharyar Khan
Ms. Johnson-Sirleaf

UNITED NATIONS NATIONS UNIES

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DATE: 15 March 1996

TO: KHAN UNAMIR Kigali	FROM: ANNAN DPKO for New York
FAX NO: 3-3090	FAX NO: (212) 963-4879 ROOM S-3720
SUBJECT: Secretary-General's letter of 12 March to the President of the General Assembly on implementation of additional mandates within existing resources	

TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS PAGE: 4

As discussed, please find attached, copy of the Secretary-General's letter of 12 March to the President of the General Assembly (A/50/891), pointing out, inter alia, that he has no flexibility to implement additional mandates within existing resources. Regards.

Copy M. Martin, HR

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UNITED NATIONS

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General Assembly

Distr.
GENERAL

A/50/891
13 March 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda items 38, 45 and 116

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997

Letter dated 12 March 1996 from the Secretary-General to the President of the General Assembly

I wish to express my deep concern about draft resolutions A/50/L.67 and 68 of the General Assembly relating to the International Civilian Mission to Haiti (MICIVIH) and the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), by which the Secretary-General is requested to carry out the Assembly's decisions "within existing resources".

The General Assembly, in its resolution 50/215 of 23 December 1995, following the review of my proposed programme budget for the biennium 1996-1997, recognized that estimated expenditures represented a total of $2,712 million. The Assembly, however, appropriated only $2,608 million, having decided that additional reductions of $104 million would have to be achieved within the biennium. In its resolution 50/214 of 23 December 1995, the Assembly further decided that savings in the proposed programme budget would not affect the full implementation of mandated programmes and activities. I am currently still identifying the significant reductions which are needed to meet the requirements decided on by the General Assembly.

With the above-mentioned reductions to the regular budget, I have no flexibility to implement additional mandates within existing resources. The Assembly's request for the continuation of MICIVIH and MINUGUA without requisite

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financial resources therefore stands in danger of not being implemented. The extension of the two missions through 1996 would cost an additional estimated $24 million, and, should their mandates be extended through 1997, a further additional $28 million would be needed.

On a number of occasions, for example, in paragraph 32 of the Supplement to an Agenda for Peace (A/50/60), I have drawn attention to the need to establish agreed procedures for the financing of a class of field missions which are neither peace-keeping operations nor the kind of recurrent activity which is normally funded by the regular budget. In addition to MICIVIH and MINUGUA, there are a number of other such missions which will require additional financing should the political mandates be authorized and/or extended beyond their current period: the international commissions of inquiry in Burundi and Rwanda, the situation in Burundi, the United Nations political presence in Rwanda, the Mission of the United Nations in El Salvador (MINUSAL), the Central American peace process and the situation in Afghanistan. The estimated requirements for these activities, including MICIVIH and MINUGUA, would amount to over $40 million in 1996 and $50 million in 1997, totalling $90 million for the biennium. This does not take into account additional requirements for the expansion of MINUGUA, which will be necessary if it proves possible to complete the negotiation of a comprehensive peace settlement in Guatemala in the course of 1996.

It should also be recalled that the General Assembly established, in its resolution 41/213 of 19 December 1986, a procedure whereby expenditures resulting from the impact of extraordinary expenses, including those related to the maintenance of peace and security, would be treated as requirements additional to the approved programme budget.

My main purpose in this letter is to alert Member States to the implications of requesting me to implement extended mandates for these missions, or for other such missions which may be established during the biennium, without at the same time providing adequate funding. As I made clear in my reports to the General Assembly recommending the extension of the mandates of MICIVIH and MINUGUA, existing decisions by the Assembly to reduce the level of the programme budget by $104 million make it impossible for me to absorb additional expenditures without affecting existing programmes and activities. I would thus be able to implement the mandates proposed in draft resolutions A/50/L.67 and 68 only if, at the same time, the Assembly were to decide which existing programmes should be curtailed, postponed or terminated.

I would like, Mr. President, to emphasize that this is not just a budgetary problem. It goes to the heart of the purposes for which this Organization was created. The human rights missions whose future is at stake have been established to help bring to an end long standing conflicts and create conditions for a lasting peace for the peoples of the countries concerned. They have been designed in a way that responds to the frequently expressed wish of the Member States that higher priority should be given to preventive and peacemaking activities, which are a less costly remedy than peace-keeping operations. I believe that it would be a grievous setback for the Organization if, because of the current financial debate, it became impossible to retain MICIVIH, whose presence is essential to consolidate the Organization's and

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Members States' remarkable achievements in Haiti, and MINUGUA, whose presence is fundamental to realization of the best prospects that have ever existed to bring to an end the armed confrontation which has afflicted the people of Guatemala for 35 years.

(Signed) Boutros BOUTROS-GHALI

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UNITED
NATIONS
SECURITY COUNCIL
DISTR.
GENERAL
S/1996/104
13 FEBRUARY 1996
ORIGINAL: ENGLISH

File Security Council

LETTER DATED 13 FEBRUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

THE MEMBERS OF THE SECURITY COUNCIL HAVE ASKED ME TO THANK YOU FOR YOUR LETTER DATED 26 JANUARY 1996 (S/1996/67) AND FOR THE INTERIM REPORT TRANSMITTED WITH IT ABOUT THE WORK OF THE INTERNATIONAL COMMISSION OF INQUIRY TO INVESTIGATE REPORTS OF THE SALE OR SUPPLY OF ARMS TO FORMER RWANDAN GOVERNMENT FORCES IN VIOLATION OF THE SECURITY COUNCIL ARMS EMBARGO AND ALLEGATIONS THAT THOSE FORCES ARE RECEIVING TRAINING TO DESTABILIZE RWANDA.

THE MEMBERS OF THE SECURITY COUNCIL UNDERLINE THE IMPORTANCE THEY ATTACH TO THE WORK OF THE COMMISSION, AND TO THE INVESTIGATIONS IT IS UNDERTAKING. THEY EMPHASIZE THE NEED FOR THOSE GOVERNMENTS WHICH HAVE NOT YET DONE SO TO RESPOND TO THE COMMISSION'S INQUIRIES. THEY NOTE THE PARTICULAR IMPORTANCE OF THE COOPERATION OF THE GOVERNMENT OF ZAIRE FOR THE SUCCESSFUL COMPLETION OF THE COMMISSION'S WORK AND STRESS THEIR EXPECTATION THAT SUCH COOPERATION WILL BE PROVIDED IN ACCORDANCE WITH SECURITY COUNCIL RESOLUTION 1013 (1995).

THE MEMBERS OF THE SECURITY COUNCIL LOOK FORWARD TO RECEIVING IN DUE COURSE THE FINAL REPORT OF THE COMMISSION REQUESTED IN RESOLUTION 1013 (1995).

(SIGNED) MADELEINE KORBEL ALBRIGHT
PRESIDENT OF THE SECURITY COUNCIL

END OF PART 1 OF 1
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File Security Council

LETTER DATED 13 FEBRUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

THE MEMBERS OF THE SECURITY COUNCIL HAVE CONSIDERED YOUR PROGRESS REPORT DATED 30 JANUARY 1996 (A/50/868-S/1996/61) ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA.

THE MEMBERS OF THE SECURITY COUNCIL CONCUR WITH YOUR OBSERVATION THAT THE UNITED NATIONS STILL HAS A USEFUL ROLE TO PLAY IN RWANDA. THEY ENCOURAGE YOU TO UNDERTAKE CONSULTATIONS WITH THE GOVERNMENT OF RWANDA, AS WELL AS WITH RELEVANT UNITED NATIONS AGENCIES, ON THE APPROPRIATE NATURE OF THE ROLE OF THE UNITED NATIONS IN RWANDA AFTER THE EXPIRATION OF UNAMIR'S FINAL MANDATE PERIOD ON 8 MARCH 1996. SUCH A PRESENCE SHOULD ASSIST THE PROCESS OF ESTABLISHING AND CONSOLIDATING A CLIMATE OF RELATIVE NORMALITY AND STABILITY. THEY LOOK FORWARD TO RECEIVING YOUR NEXT REPORT IN ADVANCE OF 8 MARCH 1996 CONTAINING YOUR RECOMMENDATIONS ON THE NATURE AND MANDATE OF A CONTINUED UNITED NATIONS PRESENCE IN RWANDA.

THE MEMBERS OF THE SECURITY COUNCIL URGE YOU, IN LIGHT OF THE UNIQUE CIRCUMSTANCES AND RECENT HISTORY OF RWANDA, TO EMPLOY FLEXIBILITY, WHILE STAYING WITHIN THE BOUNDS OF THE REGULATIONS ESTABLISHED BY THE GENERAL ASSEMBLY, IN RESOLVING THE QUESTION OF THE DISPOSITION OF UNAMIR'S EQUIPMENT.

(SIGNED) MADELEINE KORBEL ALBRIGHT
PRESIDENT OF THE SECURITY COUNCIL

END OF PART 1 OF 1
DISSEMINATION AND COMMUNICATION UNIT/DPI - NY HQ

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SRSG FC CMO Spokesman

REPORTS

DPKO SITUATION CENTRE REPORT

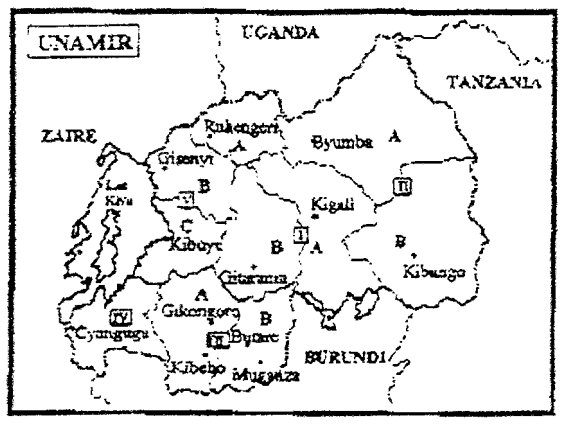
UNAMIR - RWANDA

Time: 0800 Hours NYT 31 January 1996

HIGHLIGHTS

- The Prime Minister of Burundi said the armed forces were opposed to a UN military force in Burundi.
- Some relief workers in Burundi were uneasy about the prospect of armed UN guards.
- A sepcial EU envoy will be appointed to assist the peace process.

POLITICAL



On 29 January, three persons of the ITR were manhandled by RPA soldiers when they unknowingly entered a "no entry area" in KIGALI. The matter was taken up by the Rwandan Government and RPA authorities. RPA has reportedly arrested the soldiers involved for their highhanded behaviour.

According to the media, the incident highlighted the need to protect tribunal staff in Rwanda. The court's chief prosecutor, Judge Goldstone, plans to visit Kigali to examine this issue and expects the people responsible to be "punished" and measures taken "so that this kind of incident does not happen again."

On 30 January, Mr. Chartier, the tribunal's spokesman for the international court investigating human rights violations in Rwanda and ex-Yugoslavia, said that the search for a candidate to replace Judge Goldstone has started. He added that the search will be a "combination of energies between The Hague and New York." Judge Goldstone has made no final decision regarding his departure date, but it is hoped that the new prosecutor will be appointed at such time that they would have the opportunity to work together for some time. Mr. Chartier said that the judge had already been named to head South Africa's constitutional court when the UN asked him to serve as international court prosecutor in July 1994. A source close to the tribunal indicated that the search might lean towards Canada. The judge could not come from a French-speaking African country, France or Belgium because Rwanda would challenge the appointment. (AFP)

On 30 January, European Union (EU) spokesman Pinheiro told the European Parliament that the EU needed to develop a long-term strategy to help restore stability and security in Central Africa. Therefore, it planned to send a special envoy to help restore peace in the region. The move comes amid fears of a spread of ethnic violence in Burundi. The EU envoy, who will be appointed shortly for an initial period of six months, will work closely with the governments of Rwanda, Burundi, Zaire, Tanzania and international organizations. The media also reported that the Foreign Ministers of Spain, Italy and Ireland, the past, current and future EU presidents will also visit Burundi. (REUTER)

BURUNDI: On 30 January, the Burundi President, Mr. Ntibantunganya, warned that if Burundi was not vigilant enough, it ran the risk of total collapse. He also spoke against foreign intervention, saying UN incursions in other African countries had failed dismally and UN troops in Burundi would not solve the problems of "fear and exclusion." On 30 January, Burundi Prime Minister Nduwayo also said the armed forces were adamantly opposed to a UN military force in Burundi as envisaged by the Security Council. He recalled that UN troops stood by as Hutu's killed more than 500,000 men, women and children in Rwanda in 1994. He said that the international community could ensure the neutralization of "rebel pockets" in neighbouring countries and provide technical and financial support to the Government to neutralize the rebel Hutus in Burundi. He also said that Burundi's problems can only be solved by Burundians and that the outside world could put pressure on the Government leaders to move towards reconciliation by threatening to withhold aid, or by increasing it if positive moves were made. (AFP)

On 30 January, the media reported that relief workers were uneasy about the prospect of armed UN guards because eleven workers had been killed, their vehicles shot at and last month grenades were thrown into some of their houses in two towns. They said however, that they feared that UN guards might be too few to have any real effect and that their presence might exacerbate the situation. (AFP)

MILITARY

On 30 January, the overall military situation in Rwanda was stable. The situation along the border areas remains tense. RUSIZI and UUVIRA border posts are open to normal traffic. The Zairian/Rwandese border in Sector 5 is closed to Rwandese nationals and UNAMIR personnel on the Zaire side.

HUMANITARIAN

On 30 January, 13 returnees arrived at RUYENZI camp from BUTARE. Nineteen returnees were despatched by UNHCR to GITARAMA. A total of 101 returnees is still awaiting evacuation from RUYENZI camp. The medical staff treated 226 medical and 16 dental patients.

CASUALTIES

On 30 January, a UNAMIR vehicle had an accident on route from GISENYI to KIGALI. The driver of the vehicle was injured.

LOGISTICS

On 30 January, 151 GHANABATT personnel continue to be concentrated at the transit camp in KIGALI pending the arrival of an aircraft for repatriation.

File : reports

Fifth Annual Peacekeeping Mission

November 3–11, 1995

Republic of Rwanda
Republic of Angola

UNITED NATIONS ASSOCIATION
of the United States of America

Mr. Kagamé told us that he had yet to understand why UNAMIR withdrew at the most critical time and allowed 3,500 people to be massacred within U.N. premises. He reiterated that the presence of U.N. troops and of U.N. agencies created a problem of credibility for the government of Rwanda. "More money should be spent on raising the institutional capacity of Rwanda," he said. "Even UNDP acts in parallel of us. They do not coordinate their activities with us. They hire our expatriates to work for them." Mr. Kagamé insisted that the new Rwandese Army had the capacity to contain infiltrators. That evening, as we arrived in Angola, the delegation learned that Rwanda had just launched a successful attack against militia bases on Iwawa Island on Lake Kivu at the Zaire-Rwanda border. The attack had resulted in 100-300 deaths, according to various accounts, and as we heard the news, we realized that the offensive was going on at the very time of our meeting with the Defense Minister.

Mr. Kagamé told us that he had yet to understand why UNAMIR withdrew at the most critical time and allowed 3,500 people to be massacred within U.N. premises.

CONCLUSIONS AND RECOMMENDATIONS

At the end of its visit, the Delegation generally supported the opinion that UNAMIR's mandate should not be renewed, with some members in favor of a scaled-down operation focused on a simplified mandate. The arguments ranged as follows:

- It appeared clear to all of us that 1,800 troops would be insufficient to stage a counter-attack or deter any real military threat. At the same time, such a force level is too high to accomplish other, clearly delineated and limited, security tasks, such as ensuring the protection of human rights observers and members of the International Tribunal. Some of us also believed that the presence of a battalion stationed along the Zaire-Rwanda border at the points of entry of returning refugees could have a confidence-building effect on future repatriation. Defenders of these views thought that a force of 850 troops would suffice to ensure the security of the International Tribunal and to help build confidence at the border.

- Others among us were not convinced that U.N. troops were the best vehicle to ensure the security of members of the International Tribunal given the loss of credibility that the U.N. force has had to endure since its withdrawal from Kigali in April 1994. Proponents of this view suggested that a private contractor would do a better job and cause less tension among Rwandese. Regarding the maintenance of a U.N. presence at the Zaire-Rwanda border, it was pointed out that effective confidence-building measures require the perception of a credible deterrent. Since the U.N. force did not muster such credibility

with 1,783 troops, it would obviously not gain more credibility with fewer soldiers. The rationale in favor of a battalion along the border therefore seemed weak. This group therefore favored a complete withdrawal of UNAMIR.

- Whether we supported a small military contingent or a complete withdrawal of UNAMIR's military elements, all of us noted--once again--the lack of a well-articulated and fully-integrated economic recovery plan in the mandate of the peacekeeping mission. Unlike in Haiti, the Resident Representative of the U.N. Development Program in Rwanda was not appointed Deputy SRSG, an innovation which we had applauded in our report on the U.N. mission in Haiti and had recommended for future missions.

- More generally, the U.N. mission in Rwanda appears as a textbook illustration of mismatch between the objectives and the means of multilateral intervention. The inadequacy of the force level and structure to enforce the wide-ranging mandate contained in Resolution 925 was compounded from the start by a blatant lack of will on the part of the international community to make troops available and, more and more in the past few months, by the reluctance of the Rwandese government to have UNAMIR's mandate renewed. Given the lack of consensus on the necessity of the mission--both on the part of potential troop-contributors and on the part of the host government--it is no surprise that UNAMIR never obtained the resources necessary to achieve its objectives effectively.

Finally, the fact that the latest renewal was obtained against the opinions of most observers on the ground seriously damages the credibility of U.N. action. When member states could have acted to stem the genocide, troop contributions to deploy a multilateral operation under U.N. command were not made available. A year and a half later, the vested interests of some U.N. agencies and troop contributors seem to provide the only explanation for another extension of the mandate.

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IMMEDIATE

DATE: 1 March 1996

TO: KIAN UNAMIR Kigali	FROM: KITTANI DPKO New York
FAX NO: 3-3090	FAX NO: (212) 963-4879 ROOM S-3720
SUBJECT: Secretary-General's report Replacement of Judge Goldstone	

TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS PAGE: 13

Please find attached, copy of the Secretary-General's report on UNAMIR (S/1996/149) which was approved yesterday and issued this morning.

We are also attaching copy of resolution 1047 (1996) of 29 February regarding the replacement of Judge Goldstone by Mrs. Louise Arbour of Canada. Mrs. Arbour will take over as Prosecutor of the ICTR on 1 October 1996. Regards.

Security Council

ED (11122)
AFC
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CA/SAS
Spokesman
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UNITED NATIONS

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Security Council

Distr.
GENERAL

S/1996/149
29 February 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the Council decided to adjust the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and to extend it for a final period until 8 March 1996. The report covers the main developments in Rwanda since my report of 30 January 1996 (A/50/868-S/1996/61) and outlines possible options regarding the United Nations role after 8 March 1996.

II. POLITICAL DEVELOPMENTS

2. Since my last report, relative calm and stability have continued to prevail throughout Rwanda, with the exception of areas bordering Zaire. In those areas the situation is tense as a result of an increase in the level of insurgent activities by elements of the former Rwandese Government Forces (RGF). The important progress achieved by Rwanda since the end of the civil war and genocide in July 1994 is apparent from the following statistics: agricultural production has reached 82 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that need to be addressed with the support of the international community. These include the return and resettlement of 1.7 million refugees, progress towards national reconciliation, the revival of the national judicial process, improvement of prison conditions, effective measures to curb destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

three members of the International Tribunal were assaulted by a Rwanda Patriotic Army (RPA) guard unit.

4. During the past two months, there has been a marked increase in insurgent actions carried out by former RGF elements, in particular in the north-western prefecture of Gisenyi. The most important was the sabotage on the night of 2 February 1996 of the electricity power line and water intake to the local brewery in Gisenyi. According to the Government of Rwanda, a large number of infiltrators have been sent into Rwanda to coordinate insurgent activities, as a result of which patrolling by the RPA has increased in the belt adjacent to the border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of Tanzania, General Amadou Toumani Touré and Mr. Julius Nyerere, facilitators of the Cairo summit of Heads of State of the Great Lakes region in November 1995 (see S/1995/1001), visited Rwanda and other countries in the region to monitor steps being taken in pursuance of the recommendations adopted at that meeting. These visits have contributed to an improvement in Rwanda's relations with Zaire and the United Republic of Tanzania. According to the Vice-President of Rwanda, Major-General Paul Kagame, the recent exchanges of visits between Zaire and Rwanda have promoted the normalization of relations. The handover by Zaire on 13 February of military equipment belonging to Rwanda and removed by the former RGF is seen as a step forward in the improvement of bilateral relations, as recommended at the Cairo summit.

6. One of the factors that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for the adoption of special procedures to deal with the cases of those suspected of crimes related to the genocide, no trials have yet taken place. The Minister of Justice has recently declared that the first trials will start in April. Meanwhile, the number of detainees has continued to rise, reaching the figure of 65,515 at the end of January. Despite serious overcrowding, conditions in prisons have slightly improved through the construction of new detention centres (see sects. III and VI).

7. On 19 February 1996, the International Criminal Tribunal for Rwanda announced the indictment of two persons, currently in the custody of the Zambian authorities, on charges of genocide and crimes against humanity. Warrants of arrest were sent to the Zambian authorities with a request to hold the accused until such time as detention facilities were available in Arusha. Temporary arrangements are now being made for the detention of persons awaiting trial pending the construction of permanent detention facilities. Following the termination of the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues remain to be resolved. In paragraph 7 of its resolution 1029 (1995), the Security Council requested me to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal

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equipment, as elements of UNAMIR withdrew, for use in Rwanda. In a letter dated 13 February 1996, the President of the Council also asked me to exert flexibility in the disposition of UNAMIR equipment (S/1996/103). Accordingly, I will shortly submit recommendations to the General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust that, in the meantime, there will be no obstacles to the transfer of equipment needed in other peace-keeping operations.

9. As mentioned in my last progress report, I dispatched a team of experts to Kigali to discuss with government officials other issues of common concern to the United Nations and the Government of Rwanda, such as liability for corporate taxes by United Nations contractors operating in support of UNAMIR. The United Nations insisted that United Nations contractors and their expatriate personnel should be exempt from host country taxation on the grounds that they have been engaged solely to provide logistic support services, distribution of rations to the various components of the Mission and air and land transportation in support of UNAMIR activities. In the course of the discussions, the United Nations delegation received assurances that the Government would not insist on imposing taxes with respect to UNAMIR contractors. For its part, the United Nations agreed that social security taxes for locally recruited employees of contractors were payable to the Government of Rwanda, in accordance with national legislation. The United Nations also indicated its willingness to pay, as appropriate, charges for communication services used by UNAMIR and other United Nations agencies in Rwanda, since these were charges for public utility services, in accordance with the provisions of the Convention on the Privileges and Immunities of the United Nations.

III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation systematically presents information regarding reported human rights violations to the competent ministries. The Ministry of Defence, which is responsible for the National Gendarmerie as well as for the RPA, has established formal liaison channels with HRFOR at the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. In seeking to redress violations of the human rights of detainees and to improve conditions of detention in accordance with international human rights standards, HRFOR coordinates its work with that of the International Committee of the Red Cross (ICRC). HRFOR plans to give high priority, as the judicial system becomes operational, to promoting a reduction in the numbers of those detained without charge or trial.

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12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (UNHCR) has expressed its concern that the presence of human rights field officers in the receiving prefectures and communes should be maintained and strengthened so that HRFOR can continue to provide information on the state of readiness in communes that may receive returnees and assist in their resettlement and reintegration.

13. Following the appointment of a new Chief of HRFOR in October 1995, the High Commissioner for Human Rights has reviewed the priorities of the operation for 1996. The conclusions have been shared with the Government of Rwanda and with those Governments which have provided voluntary contributions to the Trust Fund for HRFOR. The Government of Rwanda has made clear its wish to have the presence of HRFOR maintained after the mandate of UNAMIR expires. I believe that HRFOR must continue to constitute an important element of the United Nations presence in Rwanda beyond 8 March 1996.

14. However, the High Commissioner has faced great difficulties in securing sufficient voluntary contributions to fund HRFOR. In mid-November 1995, he drew these difficulties, and their adverse implications for the management of the operation, to the attention of the General Assembly. In its resolution 50/58 L of 22 December 1995, the General Assembly recognized the valuable contribution that the human rights officers have made and requested me to take appropriate steps to ensure adequate financial and human resources and logistical support for HRFOR.

15. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. He has so far received pledges of some $2.5 million, available to fund HRFOR beyond its current financial allotment covering the period to 31 March 1996. However, the High Commissioner is committed to reimbursing a $3 million loan that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are estimated at approximately $7 million, based on a staffing of 120, of whom 80 would be United Nations Volunteers. Additional funding to enable HRFOR to meet its administrative, logistical, communications and security needs will also be required following the withdrawal of UNAMIR.

16. The High Commissioner has asked me to draw the attention of the Security Council and the General Assembly to the fact that, unless sufficient voluntary funds can be secured in the very near future, he will not be able to maintain a field operation with human rights officers deployed throughout the prefectures of Rwanda and will have to close down HRFOR. I share his view that it would be most regrettable if this closure has to occur before a major return of refugees has taken place, the Rwandan justice system is functioning adequately and national institutions are better able to promote and protect human rights.

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IV. MILITARY AND SECURITY ASPECTS

17. In accordance with the provisions of the current mandate, the reduction of the UNAMIR force level to 1,200 formed troops and 200 military observers and headquarters staff was achieved by early February. Some adjustment had to be made to the original projections of reduction of personnel as a result of the decision taken by Canada to withdraw its contingent with effect from 2 February 1996. The removal of the force logistics support unit at this late stage has placed some strain on the Mission, with the result that the functions of that unit have had to be contracted out or terminated.

18. As stated in my last progress report, two logistic elements have been deployed at Nyundo, near Gisenyi, and Shagasha, near Cyangugu, in order to allow UNAMIR to assist UNHCR in the refugee repatriation process. All other formed troops are deployed in the Kigali area, although some elements have been made available to ensure security at the communications site on Mount Karongi and for the protection of members of the International Criminal Tribunal working at Kibuye, in western Rwanda. The troops stationed in Kigali contribute to the security of the Tribunal, provide humanitarian assistance, protect United Nations property and assist in rehabilitation and the repair of infrastructure. Military observers are deployed in five sectors, with their regional headquarters at Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

19. UNAMIR has continued to assist the Government of Rwanda in facilitating the safe and voluntary return of refugees to their home communes. When the Burundi authorities closed the camp of Ntamba in the first week of February, UNAMIR troops and military observers, working in support of UNHCR and other agencies, provided assistance to resettle the returnees. Tasks performed by UNAMIR have included the construction and improvement of transit camps, transportation on behalf of United Nations agencies and other partners, and engineering work, including road and bridge repair. UNAMIR assisted the RPA in transporting a number of weapons systems and major pieces of equipment belonging to Rwanda, which were returned by Zaire on 13 February. Military observers have continued to patrol and monitor the situation. However, the reduction in the number of military observers has curtailed the Mission's reporting and investigation capabilities.

20. Pursuant to resolution 1029 (1995), which requires that UNAMIR be withdrawn within six weeks of the end of the mandate, a liquidation plan has been drawn up. It is expected that the last military elements will have withdrawn by mid-April and that staff officers will leave shortly thereafter. An adequate level of security troops will be maintained until mid-April, at which time all installations will be turned over to other United Nations agencies or to the Government of Rwanda.

V. HUMANITARIAN DEVELOPMENTS

21. The humanitarian situation in Rwanda continues to warrant a centralized coordination structure, given the challenge to be confronted with the return and absorption of refugees and internally displaced persons. The present authority

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for the coordination of humanitarian assistance rests with the United Nations Humanitarian Coordinator/Resident Coordinator, who is supported by a small Department of Humanitarian Affairs office. Under his authority an overall contingency plan is being prepared, should mass repatriation of refugees from Zaire occur. However, funding for the Office of the Humanitarian Coordinator remains a problem and this may require adjustments to the coordination structure in the future.

22. UNHCR, Rwanda and the countries hosting some 1.7 million Rwandan refugees, namely, Zaire, Burundi and the United Republic of Tanzania, have made a concerted effort to accelerate the voluntary return of refugees. During the period under review, the number of refugees returning to Rwanda rose considerably. From an average of around 5,000 a month through much of 1995, January 1996 saw the number of returnees increase to more than 14,000. In the first three weeks of February alone, refugee returns topped 20,000.

23. The pace of return from the countries of asylum, however, has not been uniform. Following intensive discussions among Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its meeting in December 1995, which included a proposal for targeted voluntary repatriation leading to the closure of camps, an operation launched by Zaire began on 13 February. However, the number of refugees returning from Zaire remains very low.

24. On the other hand, refugee returns from Burundi have increased dramatically in February in the wake of fighting in the northern part of the country, which emptied two Rwandan refugee camps. Following the abandonment of the Ntamba camp in Burundi by some 14,000 refugees fearing the spread of ethnic fighting, on 27 January a delegation led by Rwanda's Minister for Rehabilitation and Social Integration visited Ntamba to urge refugees who had returned to the camp to go back to Rwanda. Members of the Burundi/Rwanda/UNHCR Tripartite Commission and a second delegation from Rwanda also made efforts to persuade those remaining to repatriate rather than follow the bulk of the camp's residents into the United Republic of Tanzania. As a result, more than 4,400 Rwandans decided to repatriate during the first two days of February and the camp was subsequently closed.

25. During the fourth meeting, held at Bujumbura on 29 and 30 January 1996, the Burundi/Rwanda/UNHCR Tripartite Commission decided to have the remaining camps in Burundi progressively closed, starting with those nearest the border with Rwanda. The Commission expressed the hope that all remaining Rwandan refugees in Burundi would have repatriated by July, and all the camps closed. Those refugees who decide not to return will be transferred farther away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

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property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of Tanzania and 97,000 in Burundi - taken together, one of the world's largest refugee populations. UNHCR, responsible for their protection, assistance and repatriation, is facing a serious financial problem in the Great Lakes region. Among programmes likely to be affected by the Office's difficulties in generating the $288 million it needs in 1996 are rehabilitation and other projects associated with the repatriation and reintegration of refugees. The construction of 30,000 shelters, latrine buildings and a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization partners, may have to be curtailed or abandoned if the current trend continues.

28. In an attempt to launch a series of projects to repair damage to the environment and infrastructure in countries hosting Rwandan refugees, UNHCR and the United Nations Development Programme (UNDP) proposed a $70.5 million programme on 24 January. The projects, presented at a donors meeting at Geneva, are the result of one of the decisions taken during the Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations in activities incompatible with their mandate, which affected the security of the country, and unethical behaviour such as selling of relief goods. The Ministry said it fully appreciated the work of the remaining non-governmental organizations and assured them of the Government's commitment to continue its close collaboration with them.

30. The percentage of people receiving food aid through targeted distributions in Rwanda remained low during the reporting period. The emphasis of the World Food Programme (WFP) is now on food-for-work directed towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (UNICEF), through its trauma recovery programme, began recruiting 11 new trauma advisors to collaborate with 11 others already working in the prefectures. In 1996 training will focus on teachers and medical workers as they have the most direct contact with traumatized children.

VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached $404 million, representing nearly

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70 per cent of pledges made by donors in January 1995. Donors' disbursements accelerated over the last quarter of 1995, which contributed to a stabilization of the exchange rate, a lower rate of inflation and a significant increase in foreign exchange reserves, bringing Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at Geneva. Three working groups have been established to focus on the Government's priority areas: justice and security, capacity-building and the transition from humanitarian assistance to development. Documents outlining their strategies on each of these topics are being prepared by various Ministries, with the support of UNDP, UNICEF and WFP.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at Kigali in November 1995. It further contemplates providing enhanced remuneration for over 1,000 judicial personnel in order for the Ministry of Justice to attract qualified staff. The project will also provide equipment for the public prosecutor's office and tribunals in the prefectures.

34. An extension to Cyangugu prison, a site experiencing acute overcrowding, will be financed through a project recently approved by the Government and UNDP ICRC began installing water/sanitation and kitchen facilities in two warehouses in Byumba and Kibungo that will serve as temporary detention sites. UNDP is building security perimeters at these sites and construction work continued on three others in Kigali and Byumba. Despite these improvements, overcrowding in several prisons and most other places of detention remains a matter of serious concern.

35. Capacity-building activities have continued during the reporting period. Phase II of the Rwandan Communal Police Training Programme signed by the Ministry of the Interior and UNDP on 18 January 1996 will fund training for a third group of 750 cadets at the training facility in Gishari and provide for the construction of living quarters for police in 100 communes. In a joint programme with UNDP, WFP is providing food for communal police trainees and continues to assist the training centre for gendarmes in Ruhengeri.

36. In the health sector, various efforts were undertaken by WHO and UNICEF to provide equipment and supplies to hospitals and to rehabilitate health centres. Work on two hospitals in Gikongoro and Cyangugu and three health centres in Butare is expected to begin in early March. These efforts concentrated on training and education with regard to preventive measures on disease and nutrition. To improve the quality of teaching in primary schools, UNICEF has been financing the in-service training of 5,600 underqualified teachers. The programme, which also includes instruction in landmine and cholera awareness, is now in its final stages. UNICEF also continues to provide technical assistance and logistical support to the Government of Rwanda in its efforts to assist children in especially difficult circumstances. The Ministry of Justice, in collaboration with UNICEF, has decided to expand the "Children in conflict with the law" project to include legal defence for children claiming property left by their deceased parents. UNICEF and the United Nations Educational, Scientific

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and Cultural Organisation (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

VII. FINANCIAL ASPECTS

38. In its resolution 50/211 of 23 December 1995, the General Assembly appropriated an amount of $32,324,500 gross for the financing of the Assistance Mission for the period from 1 January to 8 March 1996.

39. Pursuant to the Security Council's request to initiate planning for the withdrawal of UNAMIR within a period of six weeks after the expiry of its mandate, I intend to seek the resources required for the withdrawal from the General Assembly at its forthcoming resumed fiftieth session. In addition, should the Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 15 February 1996, the total outstanding contributions to the UNAMIR special account from the inception of the Mission to 8 March 1996 amounted to $84.5 million and the total outstanding contributions for all peace-keeping operations stood at $1,891.6 million.

VIII. CONCLUSIONS AND OBSERVATIONS

41. When Rwanda emerged from civil war and genocide with the establishment of the Government of National Unity on 19 July 1994, conditions in the country were nothing short of disastrous. There was no administration, no functioning economy, no judicial or education system, no water or electricity supply and no transport; the population, moreover, was still in a state of profound shock.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations have worked with the Government to restore basic infrastructures and to rehabilitate vital sectors of the economy. UNAMIR engineers have participated in the construction of transit camps for returning refugees. Its Civilian Police Unit has assisted in the establishment and training of a new gendarmerie and communal police. Its specialized units have

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helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved to reopen schools and contributed to the rehabilitation of health care and sanitation facilities. It has also provided humanitarian assistance and helped to ease the appalling prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.5 million refugees are camped along its borders. The presence among these refugees of numerous elements of the former Rwandan army together with organized militias adds to this threat. While intimidation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

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could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. In concluding this final report, I wish to record my warm appreciation to my Special Representative, Mr. Shaharyar Khan, to the last UNAMIR Force Commander, Major-General G. Tousignant, and to the current Acting Force Commander Brigadier-General Shiva Kumar, all of whom have demonstrated the highest qualities of leadership. I am also deeply grateful to all the men and women, civilian and military, including staff of United Nations agencies and programmes and non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.

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UNITED NATIONS

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Security Council

Distr.
GENERAL

S/RES/1047 (1996)
29 February 1996

RESOLUTION 1047 (1996)

Adopted by the Security Council at its 3637th meeting, on 29 February 1996

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 935 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

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TO: Ambassador Shaharyar Khan
SRSG - UNAMIR
Kigali
Fax: 3-3090

FROM: Elisabeth Lindenmayer
Department of Peace-keeping Operations
United Nations Fax: (212) 963-6460

DATE: 20 February 1996

PAGES: 20 including cover

Please find attached copies of the Report of the Secretary-General on the Situation in Burundi in English and French.

Kind regards.

yes. An interesting report. When will it be released?
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Security Council

Distr.
GENERAL

S/1996/116
15 February 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN BURUNDI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1040 (1996) of 29 January 1996, in which I was requested to keep the Council closely informed, including on the technical security mission that I had sent to Burundi, and to submit a full report to the Council by 20 February on the situation, covering the progress of my efforts to facilitate a comprehensive political dialogue. I was also requested, in consultation as appropriate with the Organization of African Unity (OAU) and with Member States concerned, to consider what further steps of a preventive nature might be necessary in order to avoid a further deterioration of the situation, to develop contingency plans as appropriate and to include them in my report to the Council.

2. The present report follows a series of oral reports to the Council by my Personal Representative. On 22 January, I myself reported to the Council on the situation in Burundi. I also addressed two letters to the President of the Council on 29 December 1995 (S/1995/1068) and 16 January 1996 (S/1996/36).

II. POLITICAL SITUATION

3. In all of these communications and briefings, I underlined the seriousness of the political and security situation in Burundi, which is defined by visceral fears and brutal struggles for power. Much of the Tutsi minority, historically dominant, lives with the phobia of its physical elimination, while the Hutu majority demands proper political representation. The 1994 genocide in Rwanda has heightened the fears of the minority, leading extremist elements to undertake ruthless actions against Hutu populations. Hutu extremists, in turn, are reinforced and supported from outside the country by some of the perpetrators of the Rwandan genocide. In such an environment, the voices of moderation are being drowned out, silenced or eliminated altogether.

4. December 1995 was characterized by widespread violence and by attempts by members of the opposition, with support from among the military, to remove from office the President of Burundi, Mr. Sylvestre Ntibantunganya. On 12 December,

the General Director of Burundi's National Institute of Social Security, a member of the majority party, the front pour la démocracie au Burundi (FRODEBU) and his son were killed when unidentified assailants tossed a grenade inside their car. On 19 and 20 December, security forces allegedly killed a Hutu member of Parliament, and two other Hutu politicians were murdered in separate incidents. Around the same time, 27 people died in clashes between the military and insurgents in the Murwi and Buganda communes, while over 30 were killed near Bujumbura. On 22 December, the Governor of the northern Ngozi province was assassinated. Violence was also directed against members of the international humanitarian community, leading me to dispatch the United Nations High Commissioner for Refugees, Mrs. Ogata, as my Special Envoy, to the country (see sect. IV below).

5. As regards the attempts to depose the President, differences on how to achieve this objective helped to prevent the crisis from worsening: while some preferred a constitutional approach to remove him, others favoured an outright overthrow. The opposition had hoped that the Framework for Concerted Action, established on 13 November 1995 in accordance with the convention on governance (S/1995/190, annex), would provide the forum to accelerate the removal of the President. That mechanism was supposed to start its work on 26 December 1995; it was feared that discussions in the context of the Framework would be used to demonstrate that both the President and the Prime Minister, Mr. Antoine Nduwayo, had failed to implement the Convention, thereby justifying their removal. However, FRODEBU refused to participate in the Framework meetings in protest against the recent assassinations and harassment of some of their officials.

6. At the beginning of January 1996, my Special Representative, Mr. Marc Faguy, confirmed that the influence of moderate political forces in Burundi continued to diminish. In his New Year's address, the President called upon institutions, State services and organizations to work together to overcome the phenomena of fear, violence and uncertainty. For his part, the Prime Minister publicly warned that the ideology of exclusion and genocide was gaining ground.

7. The situation was exacerbated when Tutsi extremists called a 'dead city' operation, which started in Bujumbura on 15 January 1996. Three days earlier, a number of civil groups and associations under the influence of political parties not represented in the National Assembly had called on the population to stop working until the President left office. Their attempts to involve the minority party, the Union pour le progrès national (UPRONA), in the "dead city" operation did not materialize as expected, thanks in large measure to the strong intervention of the Prime Minister and the Minister of Defence. Intimidation, however, continued despite the fact that some of the extremist leaders were put under house arrest or detained. On 16 January, the military introduced countermeasures to contain the demonstrations.

8. While the situation in Bujumbura has now returned to a state of uneasy peace, security conditions in the countryside remain volatile. Armed Hutu groups have concentrated their actions against strategic targets, sometimes with dire consequences for the population. A recent attack on electrical power pylons near Bujumbura, for example, seriously affected the water supply to the city. Heavy fighting has been reported in northern areas of Burundi, uprooting

once more tens of thousands of people and increasing the burden on both humanitarian organizations and the neighbouring countries.

9. In recent days, however, the situation in Burundi has been somewhat calmer. The Government is currently engaged in its third campaign for the return of peace, the intensification of which could augur well for the future The efforts of the international community, including my Special Representative, and the adoption by the Security Council of resolution 1040 (1996) have helped to reduce tensions and encourage dialogue. In addition, the welcome recent improvement of coordination between the President and the Prime Minister should stimulate other activities that will contribute to the promotion of peace. It should also convey the message to the extremists that most people in Burundi have had enough of violence and feel it is time for them to participate in the long-awaited national debate. These relatively positive signs should not, however, be taken to mean that a solution is imminent or that the international community can afford to relax its efforts to avert catastrophe.

III. PROMOTING DIALOGUE

10. As I informed the Council in my letter to the President dated 16 January 1996 (S/1996/36), it is unrealistic to expect a handful of small-scale measures to have any real impact on the fundamental problems of Burundi. That was why I continued to believe that the international community needed to launch a major initiative to prevent another humanitarian tragedy in the subregion, as well as to promote a dialogue embracing all the elements of the Burundian political spectrum. I therefore instructed my Special Representative to explore urgently with Burundian leaders how such a dialogue might be established, possibly under United Nations auspices. He has maintained intense efforts to this end but has not yet been able to report substantial progress.

11. Members of the Council are aware that, on 19 January 1996, I met the former President of the United Republic of Tanzania, Mr. Julius K. Nyerere, who had visited Burundi at the end of 1995. Mr. Nyerere feared that the Government in Burundi could collapse and agreed with me that a major initiative was urgently needed. He was in favour of a broad-based dialogue that should include even extremists from both sides of the political spectrum in Burundi. He requested the support of the United Nations and the Organization of African Unity (OAU) and underlined the importance of the international community's active support for such an initiative.

12. I have since been pleased to learn from Mr. Nyerere that he has continued his talks with leaders in Burundi. During his most recent visit to the country, earlier this month, he tried to arrange a broad-based dialogue embracing all political factions. However, this proposal was not found acceptable by some of the leaders

13. I understand that Mr. Nyerere intends to continue his efforts, as will my Special Representative. Should they report any significant progress, we shall all, of course, welcome it, and I shall immediately inform the Security Council

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IV. THE HUMANITARIAN SITUATION

14 In the light of the political and security situation outlined above, it is not surprising that the humanitarian situation in Burundi has deteriorated. The last two and a half years of political instability and conflict have undermined the economy, reducing still further the country's ability to emerge from its crisis. Private business and investment have plummeted, while agriculture, which accounts for nearly 90 per cent of economic activity, has been disrupted by population displacement and widespread insecurity. On top of this, foreign aid levels fell dramatically after the events of October 1993: preliminary figures for 1995 suggest that the level of overall assistance was only one third of that for 1992. Donors have indicated that the decline is likely to continue in 1996.

15. As a result of these dire economic conditions, humanitarian assistance and its associated services have become a major factor within the overall economy and a significant source of both relief and employment. Recently, however, humanitarian activities have been held hostage to political violence. As a result, the increasing needs generated by the ongoing conflict are matched by a corresponding decrease in the willingness and capacity of the international community to respond. Relief aid programmes in Burundi have to provide assistance to internally displaced persons and the few returnees who are repatriating from Zaire and the United Republic of Tanzania, as well as to Rwandan refugees.

16. Following a series of attacks against representatives of United Nations agencies, the International Committee of the Red Cross (ICRC) and non governmental organizations (NGOs) in Burundi and the consequent suspension of most humanitarian operations, I requested the High Commissioner for Refugees, Mrs. Sadako Ogata, to travel to Bujumbura to see what measures could be taken to address the issue of insecurity and allow humanitarian organizations to function effectively. Her findings were summarized in my letter of 16 January 1996 to the President of the Security Council (S/1996/36). Further to this letter and to the Council's endorsement of her recommendations, I dispatched a technical team to Burundi from 27 January to 3 February 1996 to review the possible role United Nations guards could play in providing enhanced security to the humanitarian community.

17. The team, led by Mr. Charles Petrie of the Department of Humanitarian Affairs, travelled to Bujumbura and to the north-eastern province of Muyinga. Discussions were held with representatives of United Nations agencies, NGOs, OAU and donors. Although the team did not meet representatives of the Government of Burundi in Bujumbura, because of the strongly negative reaction of the Government to the concept of United Nations guards, it had substantive discussions with the Governor and the Military Commander of Muyinga Province.

18. In its report to me, the team concluded that, in the current context of violence and instability, United Nations guards would not be able to guarantee the security of humanitarian personnel in Burundi; indeed, in the present environment, the guards could themselves become potential targets for extremist groups, thus intensifying the security problems already faced by the international humanitarian effort

19. Should a real process of genuine political dialogue begin, however, United Nations guards could play a significant role in helping to monitor the implementation of agreements reached by the opposing groups. By their physical presence and visibility in areas of unrest, they would demonstrate the international community's commitment to supporting this process and encourage both sides to honour their agreements. They could also play an important role in supporting and complementing the operations of the OAU military observers. Finally, the structures set up at the provincial levels by these guards would serve to reinforce the operations of the security committees agreed to by the Government of Burundi in discussions in January with my Special Envoy, Mrs. Ogata. Regrettably, these committees have not yet been set up

20. While it is thus possible to envisage a role for United Nations guards, it will first be necessary to overcome significant opposition from the Government to the idea, as well as scepticism from the international humanitarian community in Burundi, including both the United Nations agencies and NGOs. Although the Government is still stating its opposition to the idea, indications have been received that it could be possible to pursue it at a later stage.

21. I accordingly see little point in pursuing the option of United Nations guards for the time being. However, since the technical team has reported that the deployment of such guards could be both desirable and feasible if the political situation improves, I intend to keep this option under constant review.

V. PREVENTIVE ACTION

22. The objective of the international community must be to prevent the escalation of present tensions in Burundi into full-scale civil war, ethnic violence and genocide The risk of such developments in Burundi has been demonstrated by the events of October 1993 and earlier outbreaks of violence. Apart from the casualties and the human suffering another such catastrophe would entail, it would almost certainly lead to massive flows of refugees into neighbouring countries. This in turn would lead to further regional destabilization, as well as the expenditure of billions of dollars on humanitarian relief services over an extended period. The costs of preventive action must be examined in this context.

23. Preventive diplomacy should remain the preferred mode of conflict management and resolution, especially when the parties to a dispute are prepared to engage in a constructive dialogue to overcome their differences However, in situations where a meaningful dialogue cannot be achieved and the conflict threatens to escalate along the lines mentioned in the preceding paragraph, preventive diplomacy alone may no longer be sufficient. It then becomes necessary to consider other steps of a preventive nature, including those with a military aspect, to persuade the parties to leave the path of confrontation.

24 It remains my belief that the situation in Burundi has reached this stage and that, less than two years after the genocide in Rwanda, the international community must not again be caught unprepared. Resolute preventive action should, therefore, be taken to minimize the risks of a similar tragedy in

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Burundi. While every effort should continue to be made to convince the parties to engage in serious negotiations and mutual accommodation, the Security Council may at the same time wish to call on Member States to begin consultations on other options, in case it should become clear that pursuit of the political option is not sufficient to prevent a further deterioration of the situation.

25. I have reviewed some of the ideas put forward in this regard and, in light of the preliminary contingency planning undertaken by the Secretariat, I believe that it would be useful, at this stage, to consider the possibility of establishing a standby multinational force for humanitarian intervention. For this purpose, consultations would be undertaken by a group of countries with a proven rapid deployment capability, including some African countries. The aim would be for the countries concerned to earmark contingents for participation in the multinational force that would remain in their respective home countries but would be fully trained and equipped, so as to be ready for deployment at very short notice.

26. Once the initial consultations and planning had been completed, the Security Council could review the situation and, in the absence of significant progress in the political dialogue, decide to establish a multinational force The Council could also decide to give prior authorization, on a contingency basis, for the deployment of the multinational force to Burundi in the event that ethnic violence erupts there on a large scale

27. The proposed multinational force would be established under Chapter VII of the Charter of the United Nations and led by one Member State. This approach would seem to be necessary, as the Government of Burundi has indicated that it would not consent to any kind of foreign humanitarian operation with a military component on its territory. Moreover, the lessons drawn from the United Nations experience of the last few years in the former Yugoslavia, Somalia, Haiti and Rwanda suggest that, in situations where there is no consent and/or no peace to keep, better results are likely to be achieved through a multinational operation that can create the conditions for the subsequent deployment of a United Nations peace-keeping operation.

28. Should it become necessary to undertake a humanitarian military intervention in Burundi, its mandate would be to deter massacres, to provide security to refugees, displaced persons and civilians at risk and to protect key economic installations. The force would be deployed to selected areas of actual or potential confrontation.

29. Under a worst-case scenario, it is estimated that the force would require up to five brigade groups, representing a total of 25,000 troops. These troops would be deployed by strategic air and sea lift and would include parachute, motorized and mechanized units, light tanks, artillery and combat engineers, as well as logistic and administrative units. It is also estimated that there would be a requirement for force multipliers in the form of command, control and communications, close air support and attack helicopters.

30. All parties in Burundi would be clearly warned that any attack on the multinational force would draw an immediate and forceful response. At the same time, the parties would be advised that the operation had a strictly

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humanitarian purpose and that it would therefore not engage in combat against them, as long as they did not seek to prevent it from implementing its mandate. Should the parties in Burundi decide not to adopt a hostile attitude, it would then be possible to reduce the force level significantly and only some of the units on standby would need to be deployed. It is estimated that, under such circumstances, 5,000 to 8,000 troops might suffice.

31. The deployment of a multinational force to Burundi would require staging areas in one or more of the neighbouring countries, which would be used to carry out the required training, coordination and integration of the various units prior to the launching of actual operations. Discussions with the neighbouring countries would therefore need to be initiated to ascertain their readiness to provide the necessary facilities for the multinational force.

32. The idea of preventive deployment suggested in my letter of 29 December 1995 (S/1995/1068) may also be considered in this context. Indeed, there may be some merit in advance deployment, in one of the neighbouring countries, of a force headquarters and of core logistics elements that would strengthen the rapid deployment capability of the multinational force. Such an advance deployment could enhance the credibility of the multinational force and underscore the resolve of the international community not to allow another genocide in the Great Lakes region.

33. The duration of such a humanitarian operation would of course depend on the speed with which the situation in the country could be stabilized. Once that had been achieved, the responsibility could be transferred to a United Nations peace-keeping mission under Chapter VI of the Charter, which would be given the task of maintaining the stability established by the multinational operation and of reactivating the political reconciliation process. This effort would need to be supported from the outset by a substantial programme to provide relief assistance, to strengthen basic State institutions (civil administration, judiciary and police) and to facilitate short-term economic rehabilitation and reconstruction.

34. Following the adoption of resolution 1040 (1996), I wrote to the Secretary-General of OAU, Mr. Salim Ahmed Salim, on 25 January, setting out the options that I had identified for major preventive action and which I had already communicated to the Security Council in my letters of 29 December 1995 and 16 January 1996 and in an oral briefing on 19 January. In an oral response to my letter, Mr. Salim recalled that the OAU Summit of June 1995 had seriously considered the option of military intervention if there should be a dramatic deterioration in the security situation in Burundi. This option was to be pursued in cooperation with the United Nations. Those whom he had consulted after receiving my letter had shared fully my concern that the international community should respond effectively to the threat of intensified internal conflict in that country. Such a response should not exclude, if circumstances so necessitated, the option of military intervention for humanitarian purposes.

35. In a meeting that I had with him on 14 February 1996, I outlined to Mr. Salim in greater detail the proposal that I would be making to the Security Council, stressing that its purpose was strictly humanitarian and that it was designed to forestall possible genocide and a massive exodus of refugees. It

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would be more cost-effective, in both time and financial terms, to prepare such contingency plans and be ready with them than to start preparing them after the need for humanitarian intervention had actually arisen. Mr. Salim replied that while priority should be given to the political option, he believed that in the event of a dramatic deterioration of the situation, African countries would support intervention aimed at averting the type of disaster that had been experienced in Rwanda.

VI. CONCLUSIONS AND RECOMMENDATIONS

36. As members of the Council are aware, this report represents the fourth occasion in under seven weeks that I have brought the issue of Burundi to their attention. I have done this in the conviction that, whatever the criteria - political, security, humanitarian or economic - the situation in the country is desperately serious.

37. I fully share the view that the collective efforts of the international community should be deployed to encourage dialogue among all sections of the Burundian political spectrum. As mentioned in section II above, the efforts of the President and the Prime Minister have, to some extent, succeeded in calming the situation in the country somewhat. I myself as well as my Special Representative will continue to support their endeavours. OAU as well as others, including, in particular, Mr. Nyerere, could also play a significant role in promoting a dialogue. However, it would not be prudent, and would in fact not be responsible, for the international community to assume the success of these efforts and not prepare and plan for contingency measures to avoid a catastrophe Such measures have to be planned to avoid a possible tragedy and not merely to deal with it after it has occurred.

38. As regards United Nations guards, the time is not yet ripe for their deployment, given the factors referred to in section IV above. However, I continue to believe that, should the political dynamics of confrontation change in favour of dialogue and should the Government agree to their deployment, the dispatch of a contingent of guards could be a useful measure. In the meantime, additional funds are urgently needed to strengthen existing inter-agency security mechanisms in Burundi. Member States are urged to respond generously to the requests which will be made to them in the coming days.

39. Any solution to the crisis in Burundi will depend on the combined political will of the parties in conflict and of the international community It is the responsibility of the parties to find the strength and courage to embark on the path of mutual accommodation and national reconciliation. Despite the efforts of my Special Representative and others, in particular Mr. Nyerere, I regret to state that no significant progress has yet been achieved in the establishment of the broad-based political dialogue which, in my opinion and that of many others, including OAU, is the only way to achieve these goals.

40. I also regret that the international community failed to respond adequately to the recommendations of the two missions sent by the Security Council to Burundi in August 1994 and February 1995. I refer, in particular, to the technical, advisory and financial assistance that Member States could provide to

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Burundi in its efforts to integrate more Hutus in the civil administration, the security forces and the judiciary system, to silence hate radios and to organize the crucial national debate. I also refer to the recommendation to impose selective measures on certain known extremists (denial of visas, freezing of foreign assets, etc.). Such measures, as well as the assistance referred to above, could have a very positive effect.

41. There is abundant evidence that the people of Burundi, particularly their leaders, pay attention to the words and actions of the Security Council. This is why those who want dialogue and coexistence have put their hopes in the Council. Pressure must be maintained on the political leaders and, although the Government's official response to my proposals for United Nations action remains negative, it is widely believed in Bujumbura that the consideration of strong steps by the Council is essential. In this connection, the international community - including the Council, individual donor countries and Burundi's neighbours - must act in a coherent and concerted way. If it does, the extremists on both sides will not be under any illusions that they can exploit perceived differences and continue to destabilize the country with impunity.

42. It is important to note that it is some of the Burundian military and their extremist allies who are most opposed to the concept of international intervention or preventive deployment. The challenge before the international community is whether to take an initiative that is welcomed by those who want peace or whether to allow the extremists to retain their veto over effective international action.

43. While preventive diplomacy is always the preferred course of action, there are some situations when it must be backed by a credible threat to use force, in order to stave off humanitarian disaster. I am convinced that an assertive approach involving contingency planning by some Member States, as recommended in section V above, would improve the chances of convincing the parties in Burundi to show more flexibility, thereby obviating the need for direct military involvement by the international community.

44. Much has been said about the need for preventive diplomacy in the post-cold-war era. The Security Council itself has been at the forefront in urging the United Nations to concentrate more on preventive work. Burundi is a test case for the United Nations ability to take such action. Indeed it could even contribute to the continuing search for a workable system of collective security at a time when civil wars and ethnic conflicts are becoming increasingly frequent.

45. The warning signs in Burundi have been with us for some time. If another tragedy befalls the Burundian people and the international community again proves to be unprepared, despite all the warnings, it will cause untold human suffering and gravely damage the credibility of the United Nations. It is in this spirit that I present my recommendations to the Security Council.

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RAPPORT DU SECRÉTAIRE GÉNÉRAL SUR LA SITUATION AU BURUNDI

I. INTRODUCTION

1. Le présent rapport est présenté en application de la résolution 1040 (1996) du Conseil de sécurité en date du 29 janvier 1996, dans laquelle j'ai été prié de tenir le Conseil informé de la situation, y compris de la mission technique sur la sécurité que j'avais envoyée au Burundi, et de lui présenter à ce sujet, le 20 février 1996 au plus tard, un rapport complet portant sur les résultats des efforts que je déployais en vue de promouvoir un dialogue politique global. J'ai été également prié, agissant en consultation selon qu'il conviendrait avec l'Organisation de l'unité africaine et avec les États Membres concernés, d'envisager quelles autres mesures de nature préventive il pourrait être nécessaire de prendre afin d'empêcher que la situation ne se détériore encore, d'élaborer des plans à cet effet et de les inclure dans mon rapport au Conseil.

2. Le présent rapport fait suite à une série de rapports oraux que mon Représentant personnel a faits au Conseil. Le 22 janvier, j'ai moi-même rendu compte au Conseil de la situation au Burundi. J'ai en outre adressé deux lettres au Président du Conseil le 29 décembre 1995 (S/1995/1069) et le 16 janvier 1996 (S/1996/36).

II. SITUATION POLITIQUE

3. Dans toutes ces communications et exposés, j'ai souligné la gravité de la situation politique et sécuritaire au Burundi, qui est caractérisée par une peur viscérale et une lutte brutale pour le pouvoir. La plupart des membres de la minorité tutsie, qui traditionnellement a dominé le pays, vivent dans la hantise d'être éliminés physiquement tandis que la majorité hutue exige une représentation politique appropriée. Le génocide qui a eu lieu au Rwanda en 1994 a intensifié les craintes de la minorité et conduit des éléments extrémistes à se livrer à des actes de barbarie contre les populations hutues. De leur côté, les extrémistes hutus reçoivent de l'extérieur soutien et renfort de la part de certains auteurs du génocide rwandais. Dans un tel climat, les voix de la modération sont étouffées, réduites au silence ou tout simplement éliminées.

4. Le mois de décembre 1995 a été marqué par une violence généralisée et par des tentatives des membres de l'opposition, avec le soutien de l'armée, ayant pour objet de destituer le Président burundais, M. Sylvestre Ntibantunganya. Le

12 décembre, le Directeur général de l'Institut national de la sécurité nationale et membre du parti majoritaire, le Front pour la démocratie au Burundi (FRODEBU), et son fils ont été tués par une grenade placée dans leur voiture par des agresseurs non identifiés. Les 19 et 20 décembre, un membre du parlement hutu aurait été tué par les forces de sécurité et deux autres politiciens de cette même ethnie ont été assassinés au cours d'incidents distincts. À peu près à la même période, 27 personnes ont trouvé la mort lors d'accrochages entre l'armée et les insurgés dans les communes de Murwi et Buganda et 30 ont été tuées près de Bujumbura. Le 22 décembre, le Gouverneur de la province septentrionale de Ngozi a été assassiné. Les membres des organisations humanitaires internationales ont également été la cible d'actes de violence, ce qui m'a amené à demander au Haut Commissaire des Nations Unies pour les réfugiés, Mme Ogata, de se rendre dans le pays en tant qu'Envoyé personnel (voir sect. IV).

5. Quant aux tentatives visant à déposer le Président, les divergences de vues quant à la manière de procéder ont empêché une aggravation de la crise : certains préconisaient une approche constitutionnelle; d'autres en revanche étaient partisans de renverser le Gouvernement purement et simplement. L'opposition avait espéré que le Cadre de concertation établi le 13 novembre 1995 conformément à la Convention de gouvernement (S/1995/150, annexe), donnerait l'occasion d'accélérer la chute du Président. Ce mécanisme était censé commencer ses travaux le 26 décembre 1995 et l'on craignait que les débats qui auraient lieu dans ce contexte serviraient à démontrer que, comme le Président et le Premier Ministre M. Antoine Nduwayo, n'avaient pas appliqué la Convention, il fallait qu'ils soient démis de leurs fonctions. Toutefois, le FRODEBU a refusé de participer à ces débats pour protester contre les assassinats et les harcèlements dont avaient été récemment victimes certains de leurs représentants.

6. Au début du mois de janvier 1996, mon Représentant spécial, M. Marc Faguy, a confirmé que les forces politiques modérées au Burundi avaient de plus en plus de mal à se faire entendre. Dans l'allocution qu'il a prononcée à l'occasion du Nouvel An, le Président a exhorté les institutions, les services gouvernementaux et les organes de l'État à conjuguer leurs efforts pour vaincre la peur, la violence et l'incertitude. Le Premier Ministre a quant à lui appelé publiquement l'attention sur le fait que l'idéologie de l'exclusion et du génocide gagnait du terrain.

7. La situation s'est exacerbée lorsque des extrémistes tutsis ont monté une opération "ville morte" qui a été lancée d'abord à Bujumbura le 15 janvier 1996. Trois jours plus tôt, plusieurs groupes et associations civiles se situant dans la mouvance des partis politiques non représentés à l'Assemblée nationale avaient appelé la population à cesser de travailler jusqu'à ce que le Président démissionne. Ils ont bien essayé d'entraîner le parti de la minorité, l'Union pour le progrès national (UPRONA), dans l'opération "ville morte" mais en vain, essentiellement du fait de l'intervention énergique du Premier Ministre et du Ministre de la défense. Toutefois, les actes d'intimidation se sont poursuivis malgré l'assignation à résidence ou l'arrestation de certains dirigeants extrémistes. Le 16 janvier, l'armée a pris des contre-mesures pour faire face aux manifestations.

devaient participer toutes les factions politiques. Malheureusement, certains dirigeants ont jugé cette proposition inacceptable.

13. Je crois comprendre que M. Nyerere, tout comme mon Représentant spécial, se proposent de poursuivre leurs efforts. J'informerai immédiatement le Conseil de sécurité de tout progrès notable dont ils pourraient faire état et que nous accueillerons évidemment avec satisfaction.

IV. LA SITUATION HUMANITAIRE

14. Étant donné la situation politique et en matière de sécurité décrite plus haut, il n'est pas surprenant que la situation humanitaire au Burundi se soit détériorée. Deux années et demie d'instabilité politique et de conflit ont ébranlé l'économie, réduisant davantage encore l'aptitude du pays à sortir de sa crise. Les affaires et les investissements privés sont en chute libre, tandis que l'agriculture, qui représente près de 90 % de l'activité économique, est perturbée par les déplacements de population et l'insécurité générale. De surcroît, le volume de l'aide étrangère a spectaculairement diminué après les événements d'octobre 1993 : les estimations préliminaires laissent penser que le niveau de l'assistance globale en 1995 n'a été que le tiers de celui de 1992. Les donateurs ont indiqué que ce déclin se poursuivrait vraisemblablement en 1996.

15. Par suite de ces conditions économiques déplorables, l'assistance humanitaire et les services associés sont devenus un facteur déterminant dans l'économie globale et une source importante tant de subsides que d'emplois. Récemment, toutefois, les activités humanitaires sont devenues l'otage de la violence politique. Il s'ensuit que la volonté et la capacité de la communauté internationale d'octroyer son aide sont en proportion inverse des besoins croissants engendrés par la poursuite du conflit. Les programmes d'aide humanitaire au Burundi doivent fournir une assistance aux personnes déplacées dans le pays et aux quelques rapatriés qui reviennent du Zaïre et de la République-Unie de Tanzanie, ainsi qu'aux réfugiés rwandais.

16. À la suite d'une série d'attaques contre les représentants des institutions des Nations Unies, du Comité international de la Croix-Rouge (CICR) et d'organisations non gouvernementales au Burundi ainsi que de l'interruption de la plupart des opérations humanitaires qui en est résultée, j'ai demandé au Haut Commissaire pour les réfugiés, Mme Sadako Ogata, de se rendre à Bujumbura pour examiner les mesures qui pourraient être prises afin de résoudre le problème de l'insécurité et de permettre aux organisations humanitaires d'agir efficacement. J'ai résumé ses conclusions dans la lettre que j'ai adressée le 16 janvier 1996 au Président du Conseil de sécurité (S/1996/36). Comme suite à cette lettre et le Conseil ayant fait siennes les recommandations du Haut Commissaire, j'ai dépêché au Burundi une équipe technique qui y a séjourné du 27 janvier au 3 février 1996 en vue d'examiner le rôle que pourraient jouer des gardes des Nations Unies pour renforcer la sécurité des organisations humanitaires.

17. Cette équipe, conduite par M. Charles Petrie, du Département des affaires humanitaires, s'est rendue à Bujumbura et dans la province de Muyinga, au nord-est du pays. Elle a eu des entretiens avec des représentants des institutions des Nations Unies, des ONG, de l'OUA et des donateurs. Elle n'a

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pas rencontré de représentants du Gouvernement burundais à Bujumbura car celui-ci nourrissait de fortes préventions à l'égard de l'idée d'envoyer des gardes des Nations Unies, mais elle a eu des entretiens approfondis avec le Gouverneur et le commandant militaire de la province de Muyinga

18. Dans le rapport qu'elle m'a adressé, l'équipe a conclu que, vu le climat actuel de violence et d'instabilité, les gardes des Nations Unies ne seraient pas en mesure de garantir la sécurité du personnel humanitaire au Burundi; en fait, dans les circonstances actuelles, ils risqueraient de devenir eux-mêmes la cible potentielle de groupes extrémistes, ce qui ne ferait qu'aggraver les problèmes de sécurité auxquels se heurte déjà l'action humanitaire internationale.

19. Si, cependant, un véritable dialogue politique s'amorçait, les gardes des Nations Unies pourraient jouer un rôle important en aidant à contrôler l'application des accords passés par les groupes d'opposition. Par leur présence physique et leur visibilité dans les zones de troubles, ils démontreraient que la communauté internationale entend bien appuyer ce processus et encourager les deux parties à honorer leurs accords. Ils pourraient aussi apporter une contribution importante en appuyant et en complétant les opérations des observateurs militaires de l'OUA. Enfin, les structures mises en place au niveau provincial par ces gardes contribueraient à renforcer les opérations des comités de sécurité dont le Gouvernement burundais avait accepté la mise en place dans des entretiens tenus en janvier avec mon Envoyé spécial, Mme Ogata. Malheureusement, ces comités n'ont pas encore été créés.

20. S'il est ainsi possible d'envisager un rôle pour les gardes des Nations Unies, il faudra tout d'abord surmonter la vive opposition du Gouvernement à cette idée, de même que le scepticisme des organisations humanitaires internationales présentes au Burundi, notamment les institutions des Nations Unies et les ONG. Quoique le Gouvernement se dise toujours défavorable à cette idée, il semble, à certains indices, que l'on pourrait y revenir à un stade ultérieur.

21. Je pense donc qu'il n'est guère utile de pousser plus loin dans cette voie pour le moment. Toutefois, l'équipe technique a indiqué que le déploiement de ces gardes serait à la fois souhaitable et possible si la situation politique s'améliorait, et j'ai donc l'intention de garder constamment cette option à l'étude.

V. ACTION PRÉVENTIVE

22. L'objectif de la communauté internationale doit être d'empêcher les tensions actuelles au Burundi de dégénérer en une véritable guerre civile, avec son cortège de violences ethniques et de génocide. Le risque que cela arrive au Burundi existe, comme l'ont montré les événements d'octobre 1993 et les accès de violence antérieurs. Hormis les pertes et les souffrances humaines qu'une nouvelle catastrophe de ce genre entraînerait, il est presque certain que de nouveaux flux massifs de réfugiés se répandraient dans les pays voisins. Il en résulterait une nouvelle déstabilisation régionale, ainsi que des dépenses humanitaires qui se monteraient à des milliards de dollars sur une longue période. Le coût d'une action préventive doit être examiné dans ce contexte.

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sécurité des réfugiés, des personnes déplacées et des civils en danger et de protéger les principales installations économiques. La force serait déployée dans certaines régions où des affrontements auraient déjà éclaté ou seraient sur le point de le faire.

29. Dans la pire des hypothèses, on estime qu'une telle opération nécessiterait cinq brigades rassemblant au total 25 000 soldats. Ces troupes seraient aéroportées ou débarquées sur la zone et comprendraient des unités de parachutistes, des unités motorisées, des unités de chars légers, d'artillerie et de génie ainsi que des unités logistiques et administratives. On pense aussi qu'elles devraient être appuyées par des unités de commandement, conduite des opérations et transmissions, d'appui aérien rapproché et d'hélicoptères de combat.

30. Toutes les parties au Burundi seraient clairement prévenues que toute attaque lancée contre la force multinationale provoquerait immédiatement une riposte énergique. En même temps, on leur ferait savoir que l'opération servirait des fins strictement humanitaires et que la force ne s'attaquerait pas à elles tant qu'elles ne chercheraient pas à l'empêcher de s'acquitter de son mandat. Au cas où les parties au Burundi décideraient de ne pas adopter une attitude d'hostilité, il serait alors possible de réduire sensiblement les effectifs de la force et de ne déployer que quelques-unes des unités en attente. En pareil cas, il pourrait être suffisant de déployer entre 5 000 et 8 000 soldats.

31. Le déploiement d'une force multinationale au Burundi exigerait la mise en place de zones d'étape dans un ou plusieurs pays voisins, où seraient menées les activités nécessaires d'entraînement, de coordination et d'intégration des différentes unités, avant le lancement des opérations proprement dites. Il faudrait donc prendre contact avec les pays voisins pour savoir s'ils seraient disposés à fournir les installations nécessaires à la force.

32. L'idée d'un déploiement préventif, avancée dans ma lettre du 29 décembre 1995 (S/1995/1068), peut également être envisagée dans ce contexte. En effet, il pourrait être bon de mettre en place à l'avance, dans l'un des pays voisins, le quartier général et les éléments logistiques de base, de façon à renforcer la capacité de déploiement rapide de la force multinationale. Un tel déploiement avancé donnerait vraisemblablement plus de crédibilité à l'opération et montrerait que la communauté internationale est résolue à ne pas laisser un autre génocide se produire dans la région des Grands Lacs.

33. La durée d'une telle opération humanitaire dépendrait bien entendu du temps qui serait nécessaire pour que la situation dans le pays se stabilise. Une fois cela fait, les responsabilités pourraient être transférées à une mission de maintien de la paix des Nations Unies relevant du Chapitre VI de la Charte, qui aurait pour tâche de maintenir la stabilité établie par l'opération multinationale et de relancer le processus de réconciliation politique. Cette action devrait, dès le départ, être étayée par un vaste programme destiné à fournir des secours, à renforcer les institutions essentielles de l'État (administration civile, système judiciaire et police) et à faciliter, à court terme, le redressement économique et la reconstruction.

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34. Après l'adoption de la résolution 1040 (1996), j'ai écrit au Secrétaire général de l'OUA, M. Salim Ahmed Salim, le 25 janvier, pour décrire les diverses options possibles en vue d'une action préventive, que j'avais déjà présentées au Conseil de sécurité dans mes lettres du 29 décembre 1995 et du 16 janvier 1996, puis dans un exposé oral fait le 19 janvier. Répondant oralement à ma lettre, M. Salim a rappelé qu'à son Sommet de juin 1995, l'OUA avait étudié de près l'option d'une intervention militaire si la sécurité au Burundi devait se détériorer gravement. Cette option devait être appliquée en coopération avec l'ONU. Ceux qu'il avait consultés après avoir reçu ma lettre pensaient comme moi que la communauté internationale devait réagir vigoureusement face à la menace d'une aggravation du conflit interne dans ce pays. Cette réaction ne devait pas exclure, si les circonstances l'exigeaient, l'option d'une intervention militaire à des fins humanitaires.

35. Lorsque je me suis entretenu avec M. Salim le 14 février 1996, j'ai décrit en plus grands détails la proposition que je me proposais de faire au Conseil de sécurité, soulignant que l'objet de l'opération était strictement humanitaire et qu'il s'agissait de prévenir tout risque de génocide et d'exode massif de réfugiés. Il était beaucoup plus efficace, du point de vue de la rapidité comme du point de vue économique, de préparer des plans à l'avance et de les tenir prêts, plutôt que d'attendre, pour commencer à s'y attaquer, que la nécessité d'une intervention humanitaire soit apparue. M. Salim a répondu que si l'option politique devait bien rester l'option privilégiée, il pensait néanmoins qu'en cas de détérioration dramatique de la situation, les pays africains appuieraient une intervention visant à éviter une catastrophe du genre de celle qui s'était produite au Rwanda.

VI. CONCLUSIONS ET RECOMMANDATIONS

36. Comme les membres du Conseil le savent, c'est la quatrième fois en moins de sept semaines que je porte la question du Burundi à leur attention. Si je l'ai fait, c'est que je suis convaincu que, quel que soit le domaine considéré – questions politiques, sécurité, situation humanitaire ou économie – la situation dans le pays est extrêmement grave.

37. Je partage pleinement l'idée que l'action collective de la communauté internationale devrait viser à encourager le dialogue entre tous les acteurs de la scène politique burundaise. Comme je l'ai indiqué dans la section II du présent rapport, les efforts du Président et du Premier Ministre ont, dans une certaine mesure, réussi à calmer quelque peu la situation. Mon Représentant spécial et moi-même continueront à soutenir leurs efforts. L'OUA, ainsi que certaines personnalités, y compris en particulier M. Nyerere, pourraient jouer un rôle important en encourageant un dialogue. Toutefois, il ne serait pas prudent – ce serait même irresponsable – que la communauté internationale parte de l'hypothèse que ces efforts aboutiront et ne prépare pas d'ores et déjà des plans en vue d'éviter la catastrophe. Les mesures à prendre doivent être préparées à l'avance de façon à éviter une tragédie possible et non pas simplement pour essayer d'y faire face une fois qu'elle se serait produite

38. En ce qui concerne les gardes des Nations Unies, le moment n'est pas encore venu de les déployer, pour les raisons exposées à la section IV ci-dessus. Toutefois, je continue de penser que, si la dynamique politique évolue et passe

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de l'affrontement au dialogue, et si le Gouvernement y consent, il pourrait être utile de déployer un contingent de gardes. Entre-temps, des fonds supplémentaires sont requis d'urgence pour renforcer les mécanismes interorganisations de sécurité actuellement utilisés au Burundi. Les États Membres sont vivement incités à répondre généreusement aux demandes qui leur seront adressées dans les jours à venir.

39. Le règlement de la crise au Burundi dépendra de la volonté politique des parties au conflit et de la communauté internationale. Il appartient aux parties de trouver la force et le courage nécessaires pour s'engager sur la voie de l'entente mutuelle et de la réconciliation nationale. Malgré les efforts de mon Représentant spécial et d'autres personnalités, en particulier de M. Nyerere, je regrette d'annoncer qu'aucun progrès tangible n'a encore été fait dans l'instauration du vaste dialogue politique qui, à mon avis comme à celui de nombreux autres, dont l'OUA, est la seule façon de réaliser ces objectifs.

40. Je regrette aussi que la communauté internationale n'ait pas donné suite comme il convenait aux recommandations des deux missions que le Conseil de s en février 1995. Je pense en p ive et financière que les États M er à incorporer davantage de H de sécurité et le système J la haine et à organiser le débat n recommandation tendant à imposer c onnus (refus de visas, gel des ainsi que l'assistance t très positif.

t leurs dirigeants, prêtent iseil de sécurité. C'est pour : la coexistence ont placé leurs ier à faire pression sur les int continue d'opposer tions que je fais en vue d'une oura qu'il est essentiel que le : égard, la communauté donateurs et les voisins du rtée. Si elle le fait, les B

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extrémistes des deux bords n'auront pas l'illusion qu'ils peuvent exploiter ce qui leur paraît être des divergences de vues et continuer à déstabiliser le pays en toute impunité.

42. Il est important de noter que ce sont certains des militaires burundais et leurs alliés extrémistes qui sont les plus opposés à la notion d'intervention internationale ou de déploiement préventif. La communauté internationale devra donc faire un choix et décider si elle doit prendre une initiative qui serait bien accueillie par ceux qui souhaitent la paix ou si elle doit laisser les extrémistes continuer à exercer de fait un veto pour empêcher une intervention internationale efficace.

43. Certes, la diplomatie préventive est toujours préférable, mais il existe des situations dans lesquelles elle doit s'appuyer sur une menace crédible de

recours à la force, en vue d'éviter une catastrophe humanitaire. Je suis persuadé qu'une approche énergique, prévoyant notamment la mise au point de plans prévisionnels par certains États Membres, comme recommandé à la section V ci-dessus, améliorerait les chances de convaincre les parties au Burundi de faire preuve de davantage de souplesse, rendant de ce fait inutile le recours à une intervention militaire directe de la communauté internationale.

44. On a beaucoup parlé de la nécessité de la diplomatie préventive dans la période de l'après-guerre froide. Le Conseil de sécurité lui-même a été l'un des premiers à demander que l'ONU s'attache davantage à des actions préventives. Le Burundi sera l'occasion de mettre à l'essai la capacité qu'a l'ONU d'agir de cette façon. En fait, cette situation pourrait même contribuer à la recherche d'un système efficace de sécurité collective, en cette période où guerres civiles et conflits ethniques deviennent de plus en plus fréquents.

45. Cela fait quelque temps déjà que les signes inquiétants se multiplient au Burundi. Si une autre tragédie frappait les Burundais et que, malgré tous les avertissements, la communauté internationale était de nouveau prise au dépourvu, il en résulterait d'épouvantables souffrances pour la population; quant à l'ONU, sa crédibilité serait gravement compromise. C'est dans cet esprit que je présente mes recommandations au Conseil de sécurité.

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UNAMIR, Kigali

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DATE: 4 December 1995

PAGE: 1 of 29

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For your information. Please note the last sentence of paragraph 49, which has been added during the weekend. Best regards.

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UNITED NATIONS

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted pursuant to resolution 997 (1995) of 9 June 1995, by which the Security Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 8 December 1995 and authorized the gradual reduction of its troop level. Since the adoption of that resolution, I have reported to the Council on the situation in Rwanda on 8 August (S/1995/678) and 7 October (S/1995/848). The present report provides an update of the situation as of 30 November and contains recommendations regarding the United Nations role after the conclusion of the mandate of the United Nations Assistance Mission for Rwanda on 8 December.

II. POLITICAL DEVELOPMENTS

2. Since my last report to the Security Council, a climate of relative security and stability has continued to prevail within Rwanda, despite the absence of any discernible effort towards national reconciliation. Some improvement in the socio-economic sectors has occurred, and the first effective steps towards the revival of the national judicial system have been taken, with the appointment of the Supreme Court on 17 October.

3. The former Rwandese Government Forces and armed militia have continued their infiltration and sabotage campaigns along the Zaire-Rwanda border. In a recent counter-attack, the Rwandan Army mounted an amphibian assault on Iwawa Island in Lake Kivu, 15 kilometres west of the Rwandan mainland and just inside Rwandan territory, and cleared the island of some 500 militia. The operation led to accusations by Rwanda of Zaire's complicity with armed infiltration from the refugee camps. These, in turn, were countered by accusations from Zaire of attempts by Rwandan agents to assassinate the Zairian Chief of Army Staff at Goma airport. It is clear that the presence of large numbers of Rwandan refugees in neighbouring countries will continue to be a source of tension in the region.

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4. The basic framework for the voluntary return of refugees already exists in the Nairobi Declaration and the 1995 Bujumbura plan of action. These agreements need to be implemented by the Governments in the region, supported by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the international community. UNHCR is leading a major effort to start a process of voluntary return that would handle up to 6,000 to 8,000 refugees a day.

5. A number of important steps have been taken that should allow Governments in the region to cooperate on a humane asylum policy and not have recourse to closed borders and forcible return.

6. In accordance with resolution 1013 (1995) of 7 September, in which the Security Council requested me to establish an international commission of inquiry to investigate reports of military training and arms transfers to the former Rwandese Government Forces, I informed the Council on 16 October that arrangements for the establishment of the Commission had been completed. Following initial briefings in New York, the six-member Commission began its work in the Great Lakes region on 3 November. The Commission members have already visited Rwanda, where they were taken to Iwawa Island. They are expected to pursue shortly their investigation in Zaire.

7. The restoration of a national judicial system has suffered delays as a result of constitutional, administrative and human resource constraints. Consequently, there is understandable frustration both in Rwanda and within the international community over the delay in restoring the procedures of justice throughout the country. The prison population continues to grow and is now approaching 60,000. However, as a result of the efforts of the Prison Commission appointed by the Rwandan Government and the United Nations Task Force coordinated by my Special Representative, emergency measures were taken to create additional space for prisoners. This has led to noticeably fewer deaths and better medical facilities. After initial delays, prisoners have been transferred to the extensions and temporary detention centres. The Task Force is continuing its efforts to expand prison space.

8. A positive development in the revival of the judicial system has been the appointment of six Supreme Court judges by the National Assembly. These appointments constitute a first essential step, following which the remaining appointments in the judiciary will need to be made. A conference on genocide held in Kigali from 2 to 5 November focused on issues that the justice system would need to address effectively, such as special courts for those accused of genocide, degrees of culpability and plea bargaining.

9. I believe that the main factor that prevents a return to stability, security and harmony in Rwanda is the absence of a process of national reconciliation. This depends on the creation of conditions conducive to the return of the 1.6 million refugees currently outside Rwanda and for the judgement of those accused of genocide.

10. Progress continues to be made within Rwanda on security and normalization, but an atmosphere of tension and instability pervades the region. Relations between Rwanda and both Zaire and Kenya have deteriorated in recent months and conditions in Burundi have also contributed to tension in neighbouring

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countries. To help to address these problems, I sent my Special Envoy, Mr. José Luis Jesus, to the countries of the Great Lakes to examine with the Governments concerned how progress could be made towards a regional conference. The results of my Special Envoy's mission were conveyed to the Council in my letter of 30 October (S/1995/945). My Special Envoy was informed by the Rwandan Government that it was opposed to a regional conference. In the absence of the necessary consensus among the Governments concerned, the United Nations will continue to monitor developments in the region, and I shall notify the Council as soon as conditions materialize for the successful convening of a conference under United Nations auspices. In his letter of 10 November 1995, the President of the Security Council encouraged me to continue these efforts (S/1995/946).

11. Meanwhile, former United States President Jimmy Carter announced that he would be organizing a regional conference in Cairo. Since the objectives of this Conference were similar to those outlined by the Security Council, I welcomed this initiative. After the meeting, which was attended by the heads of State of Burundi, Rwanda, Uganda and Zaire and a representative of the United Republic of Tanzania, a declaration was issued on 29 November, in which the parties pledged to take concrete actions to advance peace, justice, reconciliation, stability and development in the region (S/1995/1001, annex). Zaire and the United Republic of Tanzania pledged to isolate those elements in the camps who were intimidating refugees wishing to return to their homes and, on its part, Rwanda guaranteed the safety of the returning refugees. The parties also said they believed that the number of returning refugees should rise to 10,000 a day within a short time.

III. HUMAN RIGHTS

12. As of 30 November 1995, the United Nations Human Rights Field Operation in Rwanda had some 120 members deployed in Kigali and in 10 field offices located throughout the country. During the reporting period, the operation continued its activities in human rights monitoring and confidence-building, assistance to the Rwandan judicial system and human rights promotion. These activities were undertaken in close cooperation with the Rwandan national authorities and the general public.

13. The safe return of Rwandan refugees and internally displaced persons continues to play an important role in the human rights operation. Its activities are closely coordinated with UNHCR, as formalized in a memorandum of understanding between UNHCR and the Field Operation. In programming visits of human rights field officers throughout the country, the Field Operation has taken into account the areas receiving the largest numbers of refugees and internally displaced persons. It has also attempted to ensure that basic human rights are not violated at any stage of the process of return, resettlement or reintegration. It does this by monitoring conditions at the principal border crossing points; the processing of returnees in transit centres; the treatment of refugees while they await transfer to communes; the treatment of those placed in interim detention; and all aspects of reintegration into home communes. In the latter context, the Field Operation evaluates the state of readiness of home communes, determines whether they are in a position to receive returnees,

UNAMIR-KIGALI@RWANDA 95-12- 4 : 18:46 :UN_FAXPAD COMMCEN:# 5

assists these communes in the resettlement process and monitors the subsequent treatment and security of resettled returnees.

14. The Field Operation undertakes regular visits to prisons and detention centres in order to monitor conditions and make proposals for their improvement. This work is carried out in cooperation with the International Committee of the Red Cross (ICRC). As indicated in paragraph 7 above, the number of detainees is now close to 60,000. In many detention facilities, prisoners are forced to stand for lack of room. There have been many deaths and serious illnesses due to the severe overcrowding, although medical conditions have been improved with international assistance. Most detainees were arrested outside the procedures laid down in Rwandan law and there are no dossiers recording evidence against them. The Field Operation seeks to promote respect for legal procedures governing arrest and detention.

15. Because the Rwandan judicial system is not yet functioning, criminal trials cannot commence and the problem of detention is exacerbated. To address this situation in part, the Government of Rwanda has established "triage committees" (commissions de triage) to review cases where detainees might be released for lack of evidence against them. The Field Operation has sought to promote the processing of cases by these bodies, while assisting in the rehabilitation of the judicial system. In cooperation with the United Nations Development Programme (UNDP), it also continues to assist local judicial authorities throughout the country.

IV. INTERNATIONAL TRIBUNAL FOR RWANDA

16. The Office of the Prosecutor of the International Tribunal for Rwanda has continued its investigations into last year's massacres with the objective of issuing its first indictments before the end of 1995. The staff of the Prosecutor's Office has expanded and now includes 30 investigators contributed by the Governments of the Netherlands, Norway, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. It also includes United Nations staff members whose recruitment was made possible by the exemption of the Tribunal from the financial restrictions recently imposed because of the financial crisis afflicting the United Nations. In late October, a United Nations security coordination officer visited Kigali to assess security for the Office of the Prosecutor and to make contingency plans for the provision of security to the International Tribunal in anticipation of the possible withdrawal of UNAMIR troops from Rwanda after the expiration of the current mandate.

17. Since his appointment on 8 September 1995, the Registrar of the Tribunal has travelled twice to the region and is now in residence in Arusha. Most recently he has travelled with the Prosecutor to countries neighbouring Rwanda in order to discuss with them their obligations to cooperate with the Tribunal.

18. At the end of October, a United Nations team visited Arusha to inspect the premises designated for the Tribunal and to review its security, logistical and administrative requirements. A lease agreement between the Tribunal and the Arusha International Conference Centre was signed on 31 October. Arrangements

for temporary offices and residential accommodation have been completed to enable the Tribunal's staff to be in Arusha by 1 December 1995, and the judge assigned to review the indictments has arrived in Arusha. The second plenary session of the Tribunal is scheduled to take place in Arusha between 8 and 12 January 1996. The judges will discuss and adopt the directive on assignment of defence counsel, the rules governing conditions of detention of persons awaiting trial before the Tribunal and the annual report of the Tribunal.

19. A total of $6.4 million of cash contributions and pledges is now available in the Voluntary Fund to Support the Activities of the Tribunal.

20. Pursuant to Council resolution 955 (1994) of 8 November 1994, in which the Secretary-General was asked to report periodically to the Security Council on the implementation of the resolution establishing the Tribunal, I have so far submitted three reports, the latest dated 25 August. Given the short period since my last report and in view of the forthcoming plenary session in Arusha, I am now reporting only on the latest developments. From now on, it will be for the President of the Tribunal to submit annual reports to the Security Council and the General Assembly, in accordance with article 32 of the Tribunal's statute.

V. MILITARY ASPECTS

A. Deployment and activities of the United Nations Assistance Mission for Rwanda

21. Since my last report, there has been no change in the deployment of UNAMIR's military contingent. As of 30 November, the force level stood at 1,783 troops and 37 staff officers; 285 military observers out of an authorized level of 320 were also deployed throughout the country (see annex).

22. UNAMIR troops and military observers have continued to contribute to the security of the International Tribunal and the Human Rights Field Operation, as well as personnel and premises of United Nations and humanitarian agencies, as required. UNAMIR military observers have pursued their efforts to promote a climate of confidence by performing monitoring tasks with UNAMIR's civilian police observers.

23. UNAMIR has continued to facilitate the safe return and resettlement of refugees in their home communes and to support the provision of humanitarian services to the people of Rwanda. In this regard, the Mission has been ready to assist in the transportation of returnees, should the rate of repatriation exceed the handling capabilities of UNHCR and the International Organization for Migration (IOM). It has assisted in rebuilding basic infrastructure, repairing roads and bridges, re-establishing telecommunications facilities and reducing prison congestion by providing logistical and engineering expertise. It has contributed to medical assistance by delivering drugs and medical supplies and by providing emergency casualty evacuations by helicopter, surgical services, health inspections, medical training and assistance at hospitals, and disease prevention at orphanages. It has also provided vehicles for the distribution of

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UNAMIR-KIGALI●RWANDA :95-12- 4 : 18:48 :UN_FAXPAD COMMCEN:# 7

seeds and agricultural implements and assisted in the implementation of environmental damage prevention projects.

B. Security aspects

24. During the period under review, no major incidents of violence involving civilians have been reported. However, there has been a noticeable increase in insurgent activities in the western prefectures. Acts of banditry and sabotage, including the murder of civilians, the laying of mines and the destruction of power pylons, have been reported and often attributed to cross-border infiltration from Zaire. These attacks, which usually trigger counter-measures and retaliation by Rwandan security forces, remain the most disturbing security problem facing the country today. In this respect, it is important to note that security is markedly better in areas where formed UNAMIR troops are present than in those areas where only military observers are stationed.

25. The Zairian Camp Security Operation, a joint initiative between UNHCR and the Zairian Government, has been quite successful in restoring and maintaining security in the Rwandan refugee camps in Zaire. The future of the Security Operation is heavily dependent on the rate of repatriation of Rwandan refugees. Currently, the option of extending its mandate for at least the first three months of 1996 is being considered at UNHCR headquarters.

VI. CIVILIAN POLICE

26. In its resolution 997 (1995), the Security Council decided to maintain the authorized level of the Mission's civilian police component. As of 30 November, 85 observers from 12 countries were deployed out of an authorized strength of 120 (see annex).

27. As indicated in my previous report, the efforts of the UNAMIR civilian police component remain focused on the training of the Rwandan National Police Force as mandated by resolution 997 (1995). So far, 403 new gendarmes have completed the programme and the training of 515 others is scheduled to end on 20 December. It will provide Rwanda with 918 of the estimated 6,000 trained gendarmes who are needed. The training of the Communal Police, the second component of the Rwandan National Police Force, was inaugurated by Vice-President Paul Kagame at Gishali on 19 November.

28. During the reporting period, UNAMIR's civilian police have continued to perform monitoring activities, together with the military observers, on a daily basis throughout Rwanda. These duties involve monitoring the prisons and the gendarmerie, especially as regards human rights, in conjunction with the Human Rights Field Operation. They also include cooperation with UNHCR in monitoring the safety of returnees.

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VII. HUMANITARIAN ASPECTS

29. As of 6 October 1995, $582.2 million was pledged to United Nations agencies for the United Nations consolidated appeal for the Great Lakes region. This amount covered 80.2 per cent of the adjusted humanitarian relief requirements for 1995. Funds pledged for the Rwanda component, however, amounted only to $94.5 million out of $160.3 million requested, or 58 per cent of the adjusted requirements.

30. The humanitarian situation in Rwanda continues to improve, with steady progress in the transition from emergency relief to rehabilitation, reconstruction and development. A massive or uncontrolled return of refugees, however, could have a deleterious effect on these efforts. A complex relationship exists between several critical areas: reintegration of refugees; prison overcrowding and rehabilitation of the justice system; security for returnees at the communal level; and insufficient housing and the scarcity of serviceable land.

31. During September and October, a total of 32,190 refugees returned to Rwanda, mainly in UNHCR-organized convoys. The rate of return from the United Republic of Tanzania increased from 1,000 returnees in September to 2,000 in October, of whom 1,144 were new caseload refugees. Approximately 19,000 refugees returned from Zaire, 94 per cent of whom came under UNHCR auspices. Voluntary repatriation from Burundi fell from 7,773 in September to 1,012 in October.

32. Most observers attribute the low number of returnees to the continuing campaign of intimidation and misinformation in the refugee camps. In addition, many refugees fear that their suspected role in last year's genocide will expose them to reprisal, denunciation or imprisonment upon their return to Rwanda. The Government has consistently affirmed that, although all Rwandan refugees abroad are welcome to return home, those involved in planning or carrying out the genocide will face imprisonment. An additional deterrent to the return of refugees is the shortage of adequate housing. Conflicts over housing and property will inevitably occur in the event of large-scale repatriation.

33. Repatriation, however, remains the only durable solution. In order to pre-empt drastic measures by the countries of asylum and avoid the chaos and probable violence that massive forced repatriation would trigger inside Rwanda, UNHCR is encouraging large-scale organized voluntary repatriation. These efforts include enlarging existing reception and transit facilities; opening new facilities to enhance capacity for processing more returnees; providing direct assistance to returnees in the form of transportation, food and relief items; providing institutional assistance to government ministries directly involved in the implementation of UNHCR assistance programmes; and supporting community assistance, shelter and the development of new rural settlements. These activities have been undertaken in collaboration with other United Nations agencies, non-governmental organizations (NGOs) and Rwandan government departments. Other important measures taken by UNHCR to promote repatriation are the strengthening of mass information campaigns (which include daily broadcasts on Radio UNAMIR), exchange visits of officials and refugees and the

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regular monitoring of returnees within Rwanda, together with Human Rights Field Operation officers and UNAMIR military and civilian police observers.

34. The overall food situation in Rwanda has improved, permitting reductions in food aid allocations to populations at risk. The World Food Programme (WFP) has returned to a strategy of utilizing as much of the available food assistance as possible for food-for-work and income-generating projects. Several regions in Rwanda remain areas of concern, owing to a high concentration of either formerly displaced persons or returnees who have no assets or income. Those parts of the country that have traditionally suffered from food deficits are being monitored closely. Targeted food assistance programmes, implemented by WFP, the United Nations Children's Fund (UNICEF), ICRC and other agencies, are in place and should significantly contribute to food security among the Rwandan population.

35. In my previous report, I stated that the functions of the United Nations Rwanda Emergency Office would be assumed by the United Nations Resident Coordinator. Since emergency relief has indeed given way to rehabilitation, this transfer was completed on 31 October, as scheduled. A small team, formerly part of the Emergency Office, has been integrated into the Resident Coordinator's Office to ensure a rapid response by the international community should an emergency recur.

VIII. ECONOMIC AND SOCIAL ASPECTS

36. As mentioned in my previous report, disbursements of pledges made by the donor community at the Geneva Round-Table Conference gathered momentum during the third quarter of 1995. As of 15 September, donor countries had signed aid agreements with Rwanda for a cumulative total of $267.6 million, of which $183.6 million has been disbursed. At the same time, the total disbursed in response to the Geneva round-table conferences of January and June stood at $252 million, equivalent to 43 per cent of the amount pledged. The volume and composition of development assistance over the 1996-1998 triennium will be discussed at the next round-table conference scheduled for March 1996 in Geneva. Thematic consultations held in Kigali from 21 to 23 November focused on immediate assistance to the rehabilitation and resettlement sectors in anticipation of a significant return of refugees.

37. During the third quarter of 1995, government revenue revived, as had been initially projected, but the improvement was insufficient to compensate for the shortfall that had been experienced during the first half of the year. The increased revenue, combined with additional support from donors, enabled the Government to pay wages and salaries punctually to all public servants except the military. The payment of salaries to the military is now overdue by at least six months, which undoubtedly compounds the difficulties of maintaining law and order.

38. In the external business sector, during the first three quarters of the year, Rwanda exported 9,444 tons of coffee and 3,449 tons of tea, at average prices of $2.44 and $0.73 per kilogram respectively. Coffee exports are now expected to total 20,000 tons, some 33 per cent more than previously estimated. These higher export earnings, along with disbursements from international

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financial institutions for balance-of-payments support, have contributed to the stabilization of the market exchange rate. The United States dollar rate has been hovering within a range of 305 to 315 Rwandan francs, after peaking at 330 francs on 20 July.

39. In the monetary sector, the "flash" reporting system put in place by the National Bank of Rwanda has confirmed that the excess liquidity position of the reopened banks has declined significantly, accommodating increased lending to the private sector, mainly for coffee processing and exports. Borrowing from the Government has reportedly declined, offsetting increases in credit to the productive sectors. As projected in the financial programme agreed with the International Monetary Fund, the money supply may have increased only on the strength of a rapid accumulation in foreign exchange reserves. In the context of controlled growth in the money supply and a stabilized exchange rate, price inflation has declined to 1.4 per cent per month, against 6 per cent in June and July.

40. The Food and Agriculture Organization of the United Nations (FAO) reported that the 1995 agricultural season has been significantly more successful than had been anticipated, in part because of both favourable weather conditions and the timely provision of agricultural support by the international donor community. Though cereal production increased by 49 per cent and pulse production was almost double that of the corresponding season last year, crops in 1995 were all sharply down by comparison with the more normal 1990 season. This is mainly attributable to the population displacements of the past 18 months. At the production levels currently forecast, FAO anticipates a food deficit of some 140,000 tons for June-December 1995.

41. In the social sectors, the general objective of the Rwandan Government is still to regain the pre-war level of services and then to improve upon their quality and delivery by 1996. Although secondary education has resumed less quickly than its primary counterpart, the Ministry of Primary and Secondary Education has achieved a considerable degree of progress. Private schools have received food assistance from WFP and international NGOs. With technical assistance from the World Health Organization (WHO), services provided by the health sector have been adapted to address current priorities (malnutrition, AIDS and post-war trauma). As of 15 November, only the health sector had benefited substantially from donor support ($1,182,147 disbursed). Donor assistance to the social sectors, which was discussed at the thematic consultations in November, will be further considered at the March 1996 round-table conference in Geneva.

IX. FINANCIAL ASPECTS

42. In its resolution 49/20 B of 12 July 1995, the General Assembly requested me to submit revised cost estimates for UNAMIR covering the period from 10 June to 31 December 1995. The revised cost estimates amount to $96,685,400 gross.

43. I have also submitted revised cost estimates for the period from 1 January to 30 June 1996. However, should the Security Council agree with my

UNAMIR-KIGALI@RWANDA :95-12- 4 : 19:01 :UN_FAXPAD → COMMCEN:#17

recommendation in paragraph 49, a cost estimate for the closure of the Mission will be submitted to the General Assembly during its current session.

44. As of 21 November 1995, total outstanding contributions to the UNAMIR special account since the inception of the Mission amounted to $74.8 million. The total outstanding assessed contributions for all peace-keeping operations amounted to $1,968.8 million.

X. OBSERVATIONS

45. As stated above, the core issue for Rwanda remains national reconciliation. This requires the rapid creation of conditions that would facilitate the safe return of 1.6 million refugees to their homes in dignity and the bringing to justice of the perpetrators of genocide. After nearly a year and a half in camps in Zaire and the United Republic of Tanzania, the refugees have placed formidable socio-economic and environmental burdens on the host countries, and this has sometimes severely strained the latter's goodwill. In addition, increasing infiltration and sabotage activities by the former Rwandese Government Forces and militia have heightened tension both within Rwanda and between Rwanda and its neighbours. This creates the danger of cycles of reciprocal recrimination, as occurred after the Iwawa Island incident. All these factors heighten the risk of forceful refoulement of the refugees.

46. Against this background, it is all the more important to address promptly the issue of the refugees' voluntary return and safe reintegration in their home communities. If forced repatriation was implemented, another humanitarian disaster could result. UNHCR is accordingly pursuing a sustained and determined effort to persuade refugees to return home voluntarily. If this is to succeed, it is vital that neighbouring States support it by demonstrating the political will to implement the existing agreements for refugee return contained in the Nairobi Declaration and the Bujumbura plan of action. The international community and United Nations agencies, for their part, will need to lend their full backing to overcome the obstacles to voluntary return, including intimidation in the camps and fears of persecution in Rwanda.

47. Efforts to induce a large-scale refugee return will need to be viewed in a time-frame extending over the next three to six months, taking account of the "commonality of interest" for the return of refugees that the High Commissioner for Refugees noted after her visit to all the countries in the Great Lakes region. It is in this context that a large part of the international community believes that a further six-month extension of the current mandate of UNAMIR is desirable. I realize, of course, that UNAMIR's role could only be one of facilitation and that the principal responsibility for providing security and material support for the return of the refugees lies with the Government of Rwanda. But the continued presence of UNAMIR could help to build confidence among the refugees and encourage them to take the decision to return.

48. Donor countries, most UNAMIR troop contributors, UNHCR, the International Tribunal, the High Commissioner for Human Rights, United Nations agencies, the Secretary-General of the Organization of African Unity, non-governmental organizations and Rwanda's neighbours have all indicated to me that they share

UNAMIR-KIGALI@RWANDA :95-12- 4 : 18:59 :UN_FAXPAD → COMMCEN:#16

that view. They feel that if UNAMIR was to be perceived as abandoning Rwanda at this critical time, it would send a discouraging message to the refugees, to the region and to the international community at large.

49. The Government of Rwanda, however, has officially informed me that it does not agree to an extension of UNAMIR's mandate beyond its expiration on 8 December. The reason given for this position is that the Mission does not serve the real needs of Rwanda. However, the Government has indicated that it would be receptive to a continued United Nations presence, provided its purpose was to assist Rwanda in its pressing tasks of rehabilitation and reconstruction, including the provision of technical expertise, financial assistance and equipment. Since UNAMIR cannot remain in Rwanda without the consent of the Government, it is my intention to initiate the drawdown of the operation as of 8 December. It is estimated that the withdrawal process would take two to three months to complete. During this period, UNAMIR would no longer be able to fulfil its present mandate but would concentrate on ensuring the smooth and peaceful departure of United Nations military personnel and equipment. I expect the Government of Rwanda to take all necessary measures to facilitate the departure of UNAMIR personnel and equipment in an orderly manner.

50. In addressing the issues raised by these opposing points of view, it is necessary to bear in mind that the overarching objective of the Organization is the restoration of peace and stability not only in Rwanda but in the region as a whole. This requires solutions to the problems of reconciliation, justice and the return of refugees in Rwanda. But it also means tackling other problems that contribute to tension and instability in the Great Lakes region. Efforts to achieve a comprehensive solution must therefore continue. It is my hope that continued progress in cooperation among the countries of the region will create the necessary conditions for the early achievement of such a solution.

51. The United Nations still has a useful role to play in political efforts to this end. I recommend therefore that it should maintain a political presence in Rwanda after the withdrawal of UNAMIR. A United Nations office, headed by my Special Representative, could be established with a view to furthering, in consultation with the Government of Rwanda, the search for peace and stability through justice and reconciliation. My Special Representative would also continue to have overall authority for the coordination and expansion, as appropriate, of the assistance that the United Nations and the international community are providing in support of Rwanda's rehabilitation and reconstruction efforts. It is understood that, in accordance with the Convention on the Privileges and Immunities of the United Nations, Rwanda would allow this Office the necessary freedom of access and movement throughout the country and ensure its safety and security. Rwanda has also expressed its wish that equipment now belonging to the Mission be left to the Government after its departure. While I understand Rwanda's wish to retain non-lethal equipment that may be useful to its rehabilitation efforts, this is clearly an issue on which only the General Assembly can decide.

52. In conclusion, I should like to put on record my warm thanks to my Special Representative, Mr. Shaharyar Khan, to the Force Commander, Major General Guy Tousignant, and to all the military police and civilian personnel of UNAMIR for their devoted contribution to this United Nations

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Mission and the cause it has served. In circumstances that were sometimes very difficult, the men and the women of UNAMIR have performed in an exemplary manner the important and often daunting tasks that have been demanded of them.

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Annex

Composition of the UNAMIR military and civilian police components as of 30 November 1995

Country	Military personnel: Troops	Military personnel: Staff	Military personnel: Observers	Military personnel: Total	Civilian police	Grand total
Argentina			1	1		1
Switzerland				0	3	3
Austria			15	15		15
Bangladesh			36	36		36
Canada	93	8	10	111		111
Chad					5	5
Congo			7	7		7
Djibouti				0	5	5
Ethiopia				0		0
Fiji			1	1		1
Germany				0	7	7
Ghana	307	7	32	346	10	356
Guinea			17	17		17
Guinea-Bissau			1	1	6	7
India	938	9	22	969		969
Jordan			5	5	4	9
Malawi	133		14	147		147
Mali	132		12	144	8	152
Nigeria	144	5	17	166	10	176
Niger				0	7	7
Pakistan			5	5		5
Russian Federation			17	17		17
Senegal		1	2	3		3
Tunisia	14	2		16	10	26
Uruguay			26	26		26
Zambia	22	5	20	47	10	57
Zimbabwe			25	25		25
Total	1 783	37	285	2 105	85	2 190

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UNAMIR-KIGALI→RWANDA :95-12-4 : 16:56 :UN_FAXPAD COMMCEN:#1

UNAMIR
Sectors of Operation and Deployment
as of 30 November 1995
UGANDA
UNITED REPUBLIC OF TANZANIA
ZAIRE
BURUNDI
BIRUNGA NAT'L PARK
RUHENGERI
BYUMBA
GISENYI
KIGALI
Kigali
KIBUYE
GITARAMA
KIBUNGO
CYANGUGU
GIKONGORO
BUTARE
I
II
III
IV
V
HQ UNAMIR FORCE
HQ MILOBS
INDIA
GHANA
CANADA
MALI
MALAWI
NIGERIA
International boundary
Prefecture boundary
Road
Track
National capital
Prefecture capital
Town
0 10 20 30 km
0 10 20 mi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
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GENERAL

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1 December 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1/ The present report is submitted pursuant to resolution 997 (1995) of 9 June 1995, by which the Security Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 8 December 1995 and authorized the gradual reduction of its troop level. Since the adoption of that resolution, I have reported to the Council on the situation in Rwanda on 8 August (S/1995/678) and 7 October (S/1995/848). The present report provides an update of the situation as of 30 November and contains recommendations regarding the United Nations role after the conclusion of the mandate of the United Nations Assistance Mission for Rwanda on 8 December.

II. POLITICAL DEVELOPMENTS

2/ Since my last report to the Security Council, a climate of relative security and stability has continued to prevail within Rwanda, despite the absence of any discernible effort towards national reconciliation. Some improvement in the socio-economic sectors has occurred, and the first effective steps towards the revival of the national judicial system have been taken, with the appointment of the Supreme Court on 17 October.

3/ The former Rwandese Government Forces and armed militia have continued their infiltration and sabotage campaigns along the Zaire-Rwanda border. In a recent counter-attack, the Rwandan Army mounted an amphibian assault on Iwawa Island in Lake Kivu, 15 kilometres west of the Rwandan mainland and just inside Rwandan territory, and cleared the island of some 500 militia. The operation led to accusations by Rwanda of Zaire's complicity with armed infiltration from the refugee camps. These, in turn, were countered by accusations from Zaire of attempts by Rwandan agents to assassinate the Zairian Chief of Army Staff at Goma airport. It is clear that the presence of large numbers of Rwandan refugees in neighbouring countries will continue to be a source of tension in the region.

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4. The basic framework for the voluntary return of refugees already exists in the Nairobi Declaration and the 1995 Bujumbura plan of action. These agreements need to be implemented by the Governments in the region, supported by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the international community. UNHCR is leading a major effort to start a process of voluntary return that would handle up to 6,000 to 8,000 refugees a day.

5. A number of important steps have been taken that should allow Governments in the region to cooperate on a humane asylum policy and not have recourse to closed borders and forcible return.

6. In accordance with resolution 1013 (1995) of 7 September, in which the Security Council requested me to establish an international commission of inquiry to investigate reports of military training and arms transfers to the former Rwandese Government Forces, I informed the Council on 16 October that arrangements for the establishment of the Commission had been completed. Following initial briefings in New York, the six-member Commission began its work in the Great Lakes region on 3 November. The Commission members have already visited Rwanda, where they were taken to Iwawa Island. They are expected to pursue shortly their investigation in Zaire.

7. The restoration of a national judicial system has suffered delays as a result of constitutional, administrative and human resource constraints. Consequently, there is understandable frustration both in Rwanda and within the international community over the delay in restoring the procedures of justice throughout the country. The prison population continues to grow and is now approaching 60,000. However, as a result of the efforts of the Prison Commission appointed by the Rwandan Government and the United Nations Task Force coordinated by my Special Representative, emergency measures were taken to create additional space for prisoners. This has led to noticeably fewer deaths and better medical facilities. After initial delays, prisoners have been transferred to the extensions and temporary detention centres. The Task Force is continuing its efforts to expand prison space.

8. A positive development in the revival of the judicial system has been the appointment of six Supreme Court judges by the National Assembly. These appointments constitute a first essential step, following which the remaining appointments in the judiciary will need to be made. A conference on genocide held in Kigali from 2 to 5 November focused on issues that the justice system would need to address effectively, such as special courts for those accused of genocide, degrees of culpability and plea bargaining.

9. I believe that the main factor that prevents a return to stability, security and harmony in Rwanda is the absence of a process of national reconciliation. This depends on the creation of conditions conducive to the return of the 1.6 million refugees currently outside Rwanda and for the judgement of those accused of genocide.

10. Progress continues to be made within Rwanda on security and normalization, but an atmosphere of tension and instability pervades the region. Relations between Rwanda and both Zaire and Kenya have deteriorated in recent months and conditions in Burundi have also contributed to tension in neighbouring

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countries. To help to address these problems, I sent my Special Envoy, Mr. José Luis Jesus, to the countries of the Great Lakes to examine with the Governments concerned how progress could be made towards a regional conference. The results of my Special Envoy's mission were conveyed to the Council in my letter of 30 October (S/1995/945). My Special Envoy was informed by the Rwandan Government that it was opposed to a regional conference. In the absence of the necessary consensus among the Governments concerned, the United Nations will continue to monitor developments in the region, and I shall notify the Council as soon as conditions materialize for the successful convening of a conference under United Nations auspices. In his letter of 10 November 1995, the President of the Security Council encouraged me to continue these efforts (S/1995/946).

11. Meanwhile, former United States President Jimmy Carter announced that he would be organizing a regional conference in Cairo. Since the objectives of this Conference were similar to those outlined by the Security Council, I welcomed this initiative. After the meeting, which was attended by the heads of State of Burundi, Rwanda, Uganda and Zaire and a representative of the United Republic of Tanzania, a declaration was issued on 29 November, in which the parties pledged to take concrete actions to advance peace, justice, reconciliation, stability and development in the region (S/1995/1001, annex). Zaire and the United Republic of Tanzania pledged to isolate those elements in the camps who were intimidating refugees wishing to return to their homes and, on its part, Rwanda guaranteed the safety of the returning refugees. The parties also said they believed that the number of returning refugees should rise to 10,000 a day within a short time.

III. HUMAN RIGHTS

12. As of 30 November 1995, the United Nations Human Rights Field Operation in Rwanda had some 120 members deployed in Kigali and in 10 field offices located throughout the country. During the reporting period, the operation continued its activities in human rights monitoring and confidence-building, assistance to the Rwandan judicial system and human rights promotion. These activities were undertaken in close cooperation with the Rwandan national authorities and the general public.

13. The safe return of Rwandan refugees and internally displaced persons continues to play an important role in the human rights operation. Its activities are closely coordinated with UNHCR, as formalized in a memorandum of understanding between UNHCR and the Field Operation. In programming visits of human rights field officers throughout the country, the Field Operation has taken into account the areas receiving the largest numbers of refugees and internally displaced persons. It has also attempted to ensure that basic human rights are not violated at any stage of the process of return, resettlement or reintegration. It does this by monitoring conditions at the principal border crossing points; the processing of returnees in transit centres; the treatment of refugees while they await transfer to communes; the treatment of those placed in interim detention; and all aspects of reintegration into home communes. In the latter context, the Field Operation evaluates the state of readiness of home communes, determines whether they are in a position to receive returnees,

assists these communes in the resettlement process and monitors the subsequent treatment and security of resettled returnees.

14. The Field Operation undertakes regular visits to prisons and detention centres in order to monitor conditions and make proposals for their improvement. This work is carried out in cooperation with the International Committee of the Red Cross (ICRC). As indicated in paragraph 7 above, the number of detainees is now close to 60,000. In many detention facilities, prisoners are forced to stand for lack of room. There have been many deaths and serious illnesses due to the severe overcrowding, although medical conditions have been improved with international assistance. Most detainees were arrested outside the procedures laid down in Rwandan law and there are no dossiers recording evidence against them. The Field Operation seeks to promote respect for legal procedures governing arrest and detention.

15. Because the Rwandan judicial system is not yet functioning, criminal trials cannot commence and the problem of detention is exacerbated. To address this situation in part, the Government of Rwanda has established "triage committees" (commissions de triage) to review cases where detainees might be released for lack of evidence against them. The Field Operation has sought to promote the processing of cases by these bodies, while assisting in the rehabilitation of the judicial system. In cooperation with the United Nations Development Programme (UNDP), it also continues to assist local judicial authorities throughout the country.

IV. INTERNATIONAL TRIBUNAL FOR RWANDA

16. The Office of the Prosecutor of the International Tribunal for Rwanda has continued its investigations into last year's massacres with the objective of issuing its first indictments before the end of 1995. The staff of the Prosecutor's Office has expanded and now includes 30 investigators contributed by the Governments of the Netherlands, Norway, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. It also includes United Nations staff members whose recruitment was made possible by the exemption of the Tribunal from the financial restrictions recently imposed because of the financial crisis afflicting the United Nations. In late October, a United Nations security coordination officer visited Kigali to assess security for the Office of the Prosecutor and to make contingency plans for the provision of security to the International Tribunal in anticipation of the possible withdrawal of UNAMIR troops from Rwanda after the expiration of the current mandate.

17. Since his appointment on 8 September 1995, the Registrar of the Tribunal has travelled twice to the region and is now in residence in Arusha. Most recently he has travelled with the Prosecutor to countries neighbouring Rwanda in order to discuss with them their obligations to cooperate with the Tribunal.

18. At the end of October, a United Nations team visited Arusha to inspect the premises designated for the Tribunal and to review its security, logistical and administrative requirements. A lease agreement between the Tribunal and the Arusha International Conference Centre was signed on 31 October. Arrangements

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for temporary offices and residential accommodation have been completed to enable the Tribunal's staff to be in Arusha by 1 December 1995, and the judge assigned to review the indictments has arrived in Arusha. The second plenary session of the Tribunal is scheduled to take place in Arusha between 8 and 12 January 1996. The judges will discuss and adopt the directive on assignment of defence counsel, the rules governing conditions of detention of persons awaiting trial before the Tribunal and the annual report of the Tribunal.

19. A total of $6.4 million of cash contributions and pledges is now available in the Voluntary Fund to Support the Activities of the Tribunal.

20. Pursuant to Council resolution 955 (1994) of 8 November 1994, in which the Secretary-General was asked to report periodically to the Security Council on the implementation of the resolution establishing the Tribunal, I have so far submitted three reports, the latest dated 25 August. Given the short period since my last report and in view of the forthcoming plenary session in Arusha, I am now reporting only on the latest developments. From now on, it will be for the President of the Tribunal to submit annual reports to the Security Council and the General Assembly, in accordance with article 32 of the Tribunal's statute.

V. MILITARY ASPECTS

A. Deployment and activities of the United Nations Assistance Mission for Rwanda

21. Since my last report, there has been no change in the deployment of UNAMIR's military contingent. As of 30 November, the force level stood at 1,783 troops and 37 staff officers; 285 military observers out of an authorized level of 320 were also deployed throughout the country (see annex).

22. UNAMIR troops and military observers have continued to contribute to the security of the International Tribunal and the Human Rights Field Operation, as well as personnel and premises of United Nations and humanitarian agencies, as required. UNAMIR military observers have pursued their efforts to promote a climate of confidence by performing monitoring tasks with UNAMIR's civilian police observers.

23. UNAMIR has continued to facilitate the safe return and resettlement of refugees in their home communes and to support the provision of humanitarian services to the people of Rwanda. In this regard, the Mission has been ready to assist in the transportation of returnees, should the rate of repatriation exceed the handling capabilities of UNHCR and the International Organization for Migration (IOM). It has assisted in rebuilding basic infrastructure, repairing roads and bridges, re-establishing telecommunications facilities and reducing prison congestion by providing logistical and engineering expertise. It has contributed to medical assistance by delivering drugs and medical supplies and by providing emergency casualty evacuations by helicopter, surgical services, health inspections, medical training and assistance at hospitals, and disease prevention at orphanages. It has also provided vehicles for the distribution of

seeds and agricultural implements and assisted in the implementation of environmental damage prevention projects.

B. Security aspects

24. During the period under review, no major incidents of violence involving civilians have been reported. However, there has been a noticeable increase in insurgent activities in the western prefectures. Acts of banditry and sabotage, including the murder of civilians, the laying of mines and the destruction of power pylons, have been reported and often attributed to cross-border infiltration from Zaire. These attacks, which usually trigger counter-measures and retaliation by Rwandan security forces, remain the most disturbing security problem facing the country today. In this respect, it is important to note that security is markedly better in areas where formed UNAMIR troops are present than in those areas where only military observers are stationed.

25. The Zairian Camp Security Operation, a joint initiative between UNHCR and the Zairian Government, has been quite successful in restoring and maintaining security in the Rwandan refugee camps in Zaire. The future of the Security Operation is heavily dependent on the rate of repatriation of Rwandan refugees. Currently, the option of extending its mandate for at least the first three months of 1996 is being considered at UNHCR headquarters.

VI. CIVILIAN POLICE

26. In its resolution 997 (1995), the Security Council decided to maintain the authorized level of the Mission's civilian police component. As of 30 November, 85 observers from 12 countries were deployed out of an authorized strength of 120 (see annex).

27. As indicated in my previous report, the efforts of the UNAMIR civilian police component remain focused on the training of the Rwandan National Police Force as mandated by resolution 997 (1995). So far, 403 new gendarmes have completed the programme and the training of 515 others is scheduled to end on 20 December. It will provide Rwanda with 918 of the estimated 6,000 trained gendarmes who are needed. The training of the Communal Police, the second component of the Rwandan National Police Force, was inaugurated by Vice-President Paul Kagame at Gishali on 19 November.

28. During the reporting period, UNAMIR's civilian police have continued to perform monitoring activities, together with the military observers, on a daily basis throughout Rwanda. These duties involve monitoring the prisons and the gendarmerie, especially as regards human rights, in conjunction with the Human Rights Field Operation. They also include cooperation with UNHCR in monitoring the safety of returnees.

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VII. HUMANITARIAN ASPECTS

29. As of 6 October 1995, $582.2 million was pledged to United Nations agencies for the United Nations consolidated appeal for the Great Lakes region. This amount covered 80.2 per cent of the adjusted humanitarian relief requirements for 1995. Funds pledged for the Rwanda component, however, amounted only to $94.5 million out of $160.3 million requested, or 58 per cent of the adjusted requirements.

30. The humanitarian situation in Rwanda continues to improve, with steady progress in the transition from emergency relief to rehabilitation, reconstruction and development. A massive or uncontrolled return of refugees, however, could have a deleterious effect on these efforts. A complex relationship exists between several critical areas: reintegration of refugees; prison overcrowding and rehabilitation of the justice system; security for returnees at the communal level; and insufficient housing and the scarcity of serviceable land.

31. During September and October, a total of 32,190 refugees returned to Rwanda, mainly in UNHCR-organized convoys. The rate of return from the United Republic of Tanzania increased from 1,000 returnees in September to 2,000 in October, of whom 1,144 were new caseload refugees. Approximately 19,000 refugees returned from Zaire, 94 per cent of whom came under UNHCR auspices. Voluntary repatriation from Burundi fell from 7,773 in September to 1,012 in October.

32. Most observers attribute the low number of returnees to the continuing campaign of intimidation and misinformation in the refugee camps. In addition, many refugees fear that their suspected role in last year's genocide will expose them to reprisal, denunciation or imprisonment upon their return to Rwanda. The Government has consistently affirmed that, although all Rwandan refugees abroad are welcome to return home, those involved in planning or carrying out the genocide will face imprisonment. An additional deterrent to the return of refugees is the shortage of adequate housing. Conflicts over housing and property will inevitably occur in the event of large-scale repatriation.

33. Repatriation, however, remains the only durable solution. In order to pre-empt drastic measures by the countries of asylum and avoid the chaos and probable violence that massive forced repatriation would trigger inside Rwanda, UNHCR is encouraging large-scale organized voluntary repatriation. These efforts include enlarging existing reception and transit facilities; opening new facilities to enhance capacity for processing more returnees; providing direct assistance to returnees in the form of transportation, food and relief items; providing institutional assistance to government ministries directly involved in the implementation of UNHCR assistance programmes; and supporting community assistance, shelter and the development of new rural settlements. These activities have been undertaken in collaboration with other United Nations agencies, non-governmental organizations (NGOs) and Rwandan government departments. Other important measures taken by UNHCR to promote repatriation are the strengthening of mass information campaigns (which include daily broadcasts on Radio UNAMIR), exchange visits of officials and refugees and the

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regular monitoring of returnees within Rwanda, together with Human Rights Field Operation officers and UNAMIR military and civilian police observers.

34. The overall food situation in Rwanda has improved, permitting reductions in food aid allocations to populations at risk. The World Food Programme (WFP) has returned to a strategy of utilizing as much of the available food assistance as possible for food-for-work and income-generating projects. Several regions in Rwanda remain areas of concern, owing to a high concentration of either formerly displaced persons or returnees who have no assets or income. Those parts of the country that have traditionally suffered from food deficits are being monitored closely. Targeted food assistance programmes, implemented by WFP, the United Nations Children's Fund (UNICEF), ICRC and other agencies, are in place and should significantly contribute to food security among the Rwandan population.

35. In my previous report, I stated that the functions of the United Nations Rwanda Emergency Office would be assumed by the United Nations Resident Coordinator. Since emergency relief has indeed given way to rehabilitation, this transfer was completed on 31 October, as scheduled. A small team, formerly part of the Emergency Office, has been integrated into the Resident Coordinator's Office to ensure a rapid response by the international community should an emergency recur.

VIII. ECONOMIC AND SOCIAL ASPECTS

36. As mentioned in my previous report, disbursements of pledges made by the donor community at the Geneva Round-Table Conference gathered momentum during the third quarter of 1995. As of 15 September, donor countries had signed aid agreements with Rwanda for a cumulative total of $267.6 million, of which $183.6 million has been disbursed. At the same time, the total disbursed in response to the Geneva round-table conferences of January and June stood at $252 million, equivalent to 43 per cent of the amount pledged. The volume and composition of development assistance over the 1996-1998 triennium will be discussed at the next round-table conference scheduled for March 1996 in Geneva. Thematic consultations held in Kigali from 21 to 23 November focused on immediate assistance to the rehabilitation and resettlement sectors in anticipation of a significant return of refugees.

37. During the third quarter of 1995, government revenue revived, as had been initially projected, but the improvement was insufficient to compensate for the shortfall that had been experienced during the first half of the year. The increased revenue, combined with additional support from donors, enabled the Government to pay wages and salaries punctually to all public servants except the military. The payment of salaries to the military is now overdue by at least six months, which undoubtedly compounds the difficulties of maintaining law and order.

38. In the external business sector, during the first three quarters of the year, Rwanda exported 9,444 tons of coffee and 3,449 tons of tea, at average prices of $2.44 and $0.73 per kilogram respectively. Coffee exports are now expected to total 20,000 tons, some 33 per cent more than previously estimated. These higher export earnings, along with disbursements from international

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financial institutions for balance-of-payments support, have contributed to the stabilization of the market exchange rate. The United States dollar rate has been hovering within a range of 305 to 315 Rwandan francs, after peaking at 330 francs on 20 July.

39. In the monetary sector, the "flash" reporting system put in place by the National Bank of Rwanda has confirmed that the excess liquidity position of the reopened banks has declined significantly, accommodating increased lending to the private sector, mainly for coffee processing and exports. Borrowing from the Government has reportedly declined, offsetting increases in credit to the productive sectors. As projected in the financial programme agreed with the International Monetary Fund, the money supply may have increased only on the strength of a rapid accumulation in foreign exchange reserves. In the context of controlled growth in the money supply and a stabilized exchange rate, price inflation has declined to 1.4 per cent per month, against 6 per cent in June and July.

40. The Food and Agriculture Organization of the United Nations (FAO) reported that the 1995 agricultural season has been significantly more successful than had been anticipated, in part because of both favourable weather conditions and the timely provision of agricultural support by the international donor community. Though cereal production increased by 49 per cent and pulse production was almost double that of the corresponding season last year, crops in 1995 were all sharply down by comparison with the more normal 1990 season. This is mainly attributable to the population displacements of the past 18 months. At the production levels currently forecast, FAO anticipates a food deficit of some 140,000 tons for June-December 1995.

41. In the social sectors, the general objective of the Rwandan Government is still to regain the pre-war level of services and then to improve upon their quality and delivery by 1996. Although secondary education has resumed less quickly than its primary counterpart, the Ministry of Primary and Secondary Education has achieved a considerable degree of progress. Private schools have received food assistance from WFP and international NGOs. With technical assistance from the World Health Organization (WHO), services provided by the health sector have been adapted to address current priorities (malnutrition, AIDS and post-war trauma). As of 15 November, only the health sector had benefited substantially from donor support ($1,182,147 disbursed). Donor assistance to the social sectors, which was discussed at the thematic consultations in November, will be further considered at the March 1996 round-table conference in Geneva.

IX. FINANCIAL ASPECTS

42. In its resolution 49/20 B of 12 July 1995, the General Assembly requested me to submit revised cost estimates for UNAMIR covering the period from 10 June to 31 December 1995. The revised cost estimates amount to $96,685,400 gross.

43. I have also submitted revised cost estimates for the period from 1 January to 30 June 1996. However, should the Security Council agree with my

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recommendation in paragraph 49, a cost estimate for the closure of the Mission will be submitted to the General Assembly during its current session.

44. As of 21 November 1995, total outstanding contributions to the UNAMIR special account since the inception of the Mission amounted to $74.8 million. The total outstanding assessed contributions for all peace-keeping operations amounted to $1,968.8 million.

X. OBSERVATIONS

45. As stated above, the core issue for Rwanda remains national reconciliation. This requires the rapid creation of conditions that would facilitate the safe return of 1.6 million refugees to their homes in dignity and the bringing to justice of the perpetrators of genocide. After nearly a year and a half in camps in Zaire and the United Republic of Tanzania, the refugees have placed formidable socio-economic and environmental burdens on the host countries, and this has sometimes severely strained the latter's goodwill. In addition, increasing infiltration and sabotage activities by the former Rwandese Government Forces and militia have heightened tension both within Rwanda and between Rwanda and its neighbours. This creates the danger of cycles of reciprocal recrimination, as occurred after the Iwawa Island incident. All these factors heighten the risk of forceful refoulement of the refugees.

46. Against this background, it is all the more important to address promptly the issue of the refugees' voluntary return and safe reintegration in their home communities. If forced repatriation was implemented, another humanitarian disaster could result. UNHCR is accordingly pursuing a sustained and determined effort to persuade refugees to return home voluntarily. If this is to succeed, it is vital that neighbouring States support it by demonstrating the political will to implement the existing agreements for refugee return contained in the Nairobi Declaration and the Bujumbura plan of action. The international community and United Nations agencies, for their part, will need to lend their full backing to overcome the obstacles to voluntary return, including intimidation in the camps and fears of persecution in Rwanda.

47. Efforts to induce a large-scale refugee return will need to be viewed in a time-frame extending over the next three to six months, taking account of the "commonality of interest" for the return of refugees that the High Commissioner for Refugees noted after her visit to all the countries in the Great Lakes region. It is in this context that a large part of the international community believes that a further six-month extension of the current mandate of UNAMIR is desirable. I realize, of course, that UNAMIR's role could only be one of facilitation and that the principal responsibility for providing security and material support for the return of the refugees lies with the Government of Rwanda. But the continued presence of UNAMIR could help to build confidence among the refugees and encourage them to take the decision to return.

48. Donor countries, most UNAMIR troop contributors, UNHCR, the International Tribunal, the High Commissioner for Human Rights, United Nations agencies, the Secretary-General of the Organization of African Unity, non-governmental organizations and Rwanda's neighbours have all indicated to me that they share

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that view. They feel that if UNAMIR was to be perceived as abandoning Rwanda at this critical time, it would send a discouraging message to the refugees, to the region and to the international community at large.

49. The Government of Rwanda, however, has officially informed me that it does not agree to an extension of UNAMIR's mandate beyond its expiration on 8 December. The reason given for this position is that the Mission does not serve the real needs of Rwanda. However, the Government has indicated that it would be receptive to a continued United Nations presence, provided its purpose was to assist Rwanda in its pressing tasks of rehabilitation and reconstruction, including the provision of technical expertise, financial assistance and equipment. Since UNAMIR cannot remain in Rwanda without the consent of the Government, it is my intention to initiate the drawdown of the operation as of 8 December. It is estimated that the withdrawal process would take two to three months to complete. During this period, UNAMIR would no longer be able to fulfil its present mandate but would concentrate on ensuring the smooth and peaceful departure of United Nations military personnel and equipment. I expect the Government of Rwanda to take all necessary measures to facilitate the departure of UNAMIR personnel and equipment in an orderly manner.

50. In addressing the issues raised by these opposing points of view, it is necessary to bear in mind that the overarching objective of the Organization is the restoration of peace and stability not only in Rwanda but in the region as a whole. This requires solutions to the problems of reconciliation, justice and the return of refugees in Rwanda. But it also means tackling other problems that contribute to tension and instability in the Great Lakes region. Efforts to achieve a comprehensive solution must therefore continue. It is my hope that continued progress in cooperation among the countries of the region will create the necessary conditions for the early achievement of such a solution.

51. The United Nations still has a useful role to play in political efforts to this end. I recommend therefore that it should maintain a political presence in Rwanda after the withdrawal of UNAMIR. A United Nations office, headed by my Special Representative, could be established with a view to furthering, in consultation with the Government of Rwanda, the search for peace and stability through justice and reconciliation. My Special Representative would also continue to have overall authority for the coordination and expansion, as appropriate, of the assistance that the United Nations and the international community are providing in support of Rwanda's rehabilitation and reconstruction efforts. It is understood that, in accordance with the Convention on the Privileges and Immunities of the United Nations, Rwanda would allow this Office the necessary freedom of access and movement throughout the country and ensure its safety and security. Rwanda has also expressed its wish that equipment now belonging to the Mission be left to the Government after its departure. While I understand Rwanda's wish to retain non-lethal equipment that may be useful to its rehabilitation efforts, this is clearly an issue on which only the General Assembly can decide.

52. In conclusion, I should like to put on record my warm thanks to my Special Representative, Mr. Shaharyar Khan, to the Force Commander, Major General Guy Tousignant, and to all the military police and civilian personnel of UNAMIR for their devoted contribution to this United Nations

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Mission and the cause it has served. In circumstances that were sometimes very difficult, the men and the women of UNAMIR have performed in an exemplary manner the important and often daunting tasks that have been demanded of them.

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Annex

Composition of the UNAMIR military and civilian police components as of 30 November 1995

Country	Military personnel: Troops	Military personnel: Staff	Military personnel: Observers	Military personnel: Total	Civilian police	Grand total
Argentina			1	1		1
Switzerland				0	3	3
Austria			15	15		15
Bangladesh			36	36		36
Canada	93	8	10	111		111
Chad					5	5
Congo			7	7		7
Djibouti				0	5	5
Ethiopia				0		0
Fiji			1	1		1
Germany				0	7	7
Ghana	307	7	32	346	10	356
Guinea			17	17		17
Guinea-Bissau			1	1	6	7
India	938	9	22	969		969
Jordan			5	5	4	9
Malawi	133		14	147		147
Mali	132		12	144	8	152
Nigeria	144	5	17	166	10	176
Niger				0	7	7
Pakistan			5	5		5
Russian Federation			17	17		17
Senegal		1	2	3		3
Tunisia	14	2		16	10	26
Uruguay			26	26		26
Zambia	22	5	20	47	10	57
Zimbabwe			25	25		25
Total	1 783	37	285	2 105	85	2 190

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UNAMIR
Sectors of Operation and Deployment
as of 30 November 1995
UGANDA
UNITED REPUBLIC OF TANZANIA
ZAIRE
BURUNDI
BIRUNGA NAT'L PARK
RUHENGERI
BYUMBA
KIGALI
GISENYI
KIBUYE
GITARAMA
KIBUNGO
CYANGUGU
GIKONGORO
BUTARE
Kigali
Gisenyi
Cyangugu
Gikongoro
Butare
Kibuye
Byumba
Ruhengeri
Kibungo
Rutshuru
Kisoro
Cyanika
Kabale
Mutara
Bukavu
Bujarama
NIGERIA
MALAWI
MALI
INDIA
GHANA
CANADA
FESG
HQ
I
II
III
IV
V
International boundary
Prefecture boundary
Road
Track
National capital
Prefecture capital
Town
0 10 20 30 km
0 10 20 mi
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RAPPORT DU SECRÉTAIRE GÉNÉRAL SUR LA MISSION DES NATIONS UNIES POUR L'ASSISTANCE AU RWANDA

I. INTRODUCTION

1. Le présent rapport est soumis en application de la résolution 997 (1995) du 9 juin 1995, par laquelle le Conseil de sécurité modifiait et prorogeait le mandat de la Mission des Nations Unies pour l'assistance au Rwanda (MINUAR) jusqu'au 8 décembre 1995 et autorisait une réduction progressive de ses effectifs. Depuis l'adoption de cette résolution, j'ai rendu compte au Conseil de la situation au Rwanda le 8 août (S/1995/678) et le 7 octobre (S/1995/848). Le présent rapport fait le point de la situation au 30 novembre et renferme des recommandations concernant le rôle des Nations Unies après l'expiration, le 8 décembre, du mandat de la MINUAR.

II. ASPECTS POLITIQUES

2. Depuis mon dernier rapport au Conseil de sécurité, un climat de sécurité et de stabilité relatives a continué à régner au Rwanda, en dépit de l'absence d'un quelconque effort tangible de réconciliation nationale. Une certaine amélioration de la situation socio-économique a eu lieu, et les premières mesures effectives de remise en route de l'appareil judiciaire national ont été prises avec la nomination de la Cour suprême le 17 octobre.

3. Les ex-forces gouvernementales rwandaises et les milices armées ont continué à se livrer à des opérations d'infiltration et de sabotage le long de la frontière avec le Zaïre. Lors d'une contre-attaque récente, l'armée rwandaise a monté une opération amphibie à l'assaut de l'île Iwawa dans le lac Kivu, à 15 kilomètres à l'ouest de la terre ferme, mais toujours en territoire rwandais, et a nettoyé cette île où se trouvaient 500 miliciens environ L'opération a amené les autorités rwandaises à accuser le Zaïre de complicité avec les auteurs de ces infiltrations armées menées à partir des camps de réfugiés. En réponse, les autorités zaïroises ont accusé des agents rwandais d'avoir tenté d'assassiner, à l'aéroport de Goma, le chef de l'état-major zaïrois. Il est évident que la présence dans les pays voisins du Rwanda d'un grand nombre de réfugiés rwandais continuera à être une source de tension dans la région.

4. La Déclaration de Nairobi et le Plan d'action de Bujumbura de 1995 constituent le cadre légal, déjà en place, du retour volontaire des réfugiés

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UNAMIR-KIGALI@RWANDA :95-12-4 : 18:58 :UN_FAXPAD → COMMCEN:#1

dans leur pays. Ces accords doivent maintenant être appliqués par les gouvernements de la région, avec le concours du Haut Commissariat des Nations Unies pour les réfugiés (HCR) et de la communauté internationale. Le HCR est le chef de file d'un effort majeur ayant pour but d'amorcer un processus de retour volontaire qui toucherait jusqu'à 6 000 à 8 000 réfugiés par jour.

5. Plusieurs mesures importantes ont été prises afin de permettre aux gouvernements de la région de coopérer à une politique d'asile empreinte d'humanité, sans recours à la fermeture des frontières ou au refoulement.

6. Conformément à la résolution 1013 (1995) du 7 septembre, dans laquelle le Conseil de sécurité me demandait d'établir une commission internationale d'enquête ayant pour mandat d'enquêter sur les allégations selon lesquelles les anciennes forces gouvernementales rwandaises recevraient un entraînement militaire et bénéficieraient de la fourniture d'armes, j'ai, le 16 octobre, informé le Conseil que les dispositions en vue de la création de cette commission avaient bien été prises. Après de premières réunions d'information à New York, la Commission, composée de six membres, a commencé le 3 novembre son travail dans la région des Grands Lacs. Ses membres se sont déjà rendus au Rwanda et ils ont pu visiter l'île d'Iwawa. La Commission d'enquête devrait très bientôt poursuivre son travail d'investigation au Zaïre.

7. La reconstitution de l'appareil judiciaire national a pris du retard en raison de contraintes constitutionnelles et administratives et du manque de personnel compétent. De ce fait, on constate une frustration bien compréhensible tant au Rwanda qu'au sein de la communauté internationale devant le retard mis à rétablir dans tout le pays le fonctionnement de la justice. La population carcérale continue à augmenter : on compte désormais près de 60 000 détenus. Cependant, grâce aux efforts de la Commission des prisons nommée par le Gouvernement rwandais et à ceux du Groupe de travail des Nations Unies coordonné par mon Représentant spécial, des mesures d'urgence ont été prises pour que les détenus disposent d'un peu plus d'espace. On a ainsi constaté une baisse sensible du nombre de décès de détenus et une amélioration des installations médicales. Après un retard initial, des détenus ont été transférés dans les annexes et dans des centres de détention temporaires. Le Groupe de travail continue à s'efforcer de rendre moins exigu l'espace carcéral.

8. La nomination d'une Cour suprême composée de six juges par l'Assemblée nationale rwandaise contribue de façon constructive à la remise en route de l'appareil judiciaire. La nomination de cette cour constitue en effet une première étape essentielle, mais il faudra continuer à nommer des magistrats. Une conférence sur le génocide tenue à Kigali du 2 au 5 novembre a permis de réfléchir aux questions que l'appareil judiciaire devrait s'attacher à résoudre concrètement, telles que la création de tribunaux spéciaux chargés de juger les auteurs présumés du génocide, le degré de culpabilité et le compromis quant aux chefs d'accusation.

9. Je suis convaincu que c'est l'absence de réconciliation nationale qui est le principal obstacle au retour à la stabilité, à la sécurité et à la paix civile au Rwanda. Cette réconciliation dépend de la création de conditions propices au retour des 1,6 million de réfugiés se trouvant actuellement en dehors du Rwanda et à la mise en jugement des personnes accusées de génocide.

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JNAMIR-KIGALI@RWANDA :95-12-4 : 18:02 :UN-FAXPAD COMMOEN:#1

10. Si des progrès continuent à être faits au Rwanda s'agissant de la sécurité et de la normalisation, l'atmosphère dans la région reste instable et tendue. Les relations entre le Rwanda, d'une part, et le Zaïre et le Kenya, d'autre part, se sont dégradées ces derniers mois et la situation au Burundi a également avivé la tension dans les pays voisins. Pour aider à résoudre ces problèmes, j'ai envoyé dans les pays des Grands Lacs mon Envoyé spécial, M. José Luis Jesus, afin d'examiner avec leurs gouvernements comment on pourrait progresser vers la convocation d'une conférence régionale. J'ai communiqué les résultats de sa mission au Conseil dans ma lettre du 30 octobre (S/1995/945). Mon Envoyé spécial a été informé par le Gouvernement rwandais que ce dernier était opposé à la tenue d'une conférence régionale. Faute de l'acquiescement nécessaire des gouvernements concernés, l'Organisation des Nations Unies continuera à suivre l'évolution de la situation dans la région et je signalerai au Conseil le moment où seront réunies les conditions propices à la convocation d'une telle conférence sous les auspices des Nations Unies. Dans sa lettre du 10 novembre 1995, le Président du Conseil de sécurité m'a encouragé à poursuivre ces efforts (S/1995/946).

11. Entre-temps, l'ancien Président des États-Unis M. Jimmy Carter annonçait qu'il organiserait au Caire une conférence régionale. Comme les objectifs de cette conférence sont très proches de ceux définis par le Conseil de sécurité, j'ai salué cette initiative. Les chefs d'État du Burundi, du Rwanda, de l'Ouganda et du Zaïre et un représentant de la République-Unie de Tanzanie ont participé à la réunion et ont rendu publique une déclaration, le 29 novembre, dans laquelle les parties promettaient de prendre des mesures concrètes pour concourir à la paix, la justice, la réconciliation, la stabilité et le développement dans la région (S/1995/1001, annexe). Le Zaïre et la République-Unie de Tanzanie ont promis d'isoler les éléments qui, dans les camps, se livraient à des manoeuvres d'intimidation auprès des réfugiés souhaitant rentrer dans leur pays et, de son côté, le Rwanda a garanti la sécurité des réfugiés qui souhaitaient rentrer. Les parties ont également déclaré qu'elles étaient convaincues que le nombre des retours pourrait en très peu de temps atteindre 10 000 par jour.

III. DROITS DE L'HOMME

12. Au 30 novembre 1995, l'Opération des Nations Unies pour les droits de l'homme au Rwanda avait déployé 120 personnes environ à Kigali et dans 10 antennes locales dans tout le pays. Pendant la période que couvre le présent rapport, l'Opération a poursuivi ses activités de surveillance de la situation des droits de l'homme, de renforcement des mesures de confiance, d'assistance à la reconstitution de l'appareil judiciaire rwandais et de promotion des droits de l'homme, en étroite coopération avec les autorités nationales rwandaises comme avec le public.

13. Le retour, dans de bonnes conditions de sécurité, des réfugiés rwandais et des personnes déplacées reste un des objectifs majeurs de l'Opération pour les droits de l'homme. Les activités menées sont étroitement coordonnées avec celles du HCR, comme le veut un mémorandum d'accord passé entre le HCR et l'Opération. En organisant le déploiement dans tout le pays de spécialistes des droits de l'homme, l'Opération a tenu compte de la répartition des zones où les réfugiés et les personnes déplacées sont les plus nombreux. L'Opération a

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également tenté de s'assurer qu'il n'y avait pas, à toutes les étapes du processus de retour, de réinstallation et de réinsertion, de violation des droits de l'homme fondamentaux. Cela s'est fait par la surveillance des conditions de passage aux principaux postes frontière, du traitement des rapatriés dans les centres de transit, et des réfugiés qui attendent leur transfert dans les communes, de la façon dont sont traitées les personnes placées en détention provisoire ainsi que de tous les aspects de la réinsertion dans les communes d'origine. Sur ce dernier point, l'Opération pour les droits de l'homme au Rwanda doit déterminer si les communes d'origine sont bien disposées à recevoir les réfugiés et si elles peuvent concrètement le faire, et elle les aide à assurer la réinsertion et surveille la façon dont les réfugiés rentrés sont traités et s'ils sont en sécurité.

14. Les responsables de l'Opération pour les droits de l'homme au Rwanda se rendent régulièrement dans les prisons et les centres de détention pour surveiller les conditions d'incarcération et proposer des moyens de les améliorer. Ce travail est accompli en coopération avec le Comité international de la Croix-Rouge (CICR). Comme il est indiqué au paragraphe 7 ci-dessus le nombre des détenus est désormais proche de 60 000. Dans de nombreux centres de détention, les détenus sont contraints de rester debout en permanence faute de place. On a constaté un grand nombre de décès et de graves maladies en raison du grave surpeuplement et bien que les conditions médicales se soient améliorées grâce à l'assistance internationale. La plupart des détenus ont été arrêtés sans que soit respectée la procédure prévue par la législation rwandaise et aucun dossier d'instruction n'a été ouvert. L'Opération pour les droits de l'homme au Rwanda cherche à encourager le respect des procédures légales régissant les conditions d'arrestation et de détention.

15. Comme l'appareil judiciaire rwandais ne fonctionne toujours pas, les procès ne peuvent commencer et le problème des conditions de détention s'est donc aggravé. Pour tenter de le résoudre, le Gouvernement rwandais a créé des commissions de triage pour examiner les cas où des détenus pourraient être libérés faute de preuves contre eux. L'Opération pour les droits de l'homme au Rwanda a cherché à encourager l'examen des affaires par ces commissions tout en aidant à remettre sur pied l'appareil judiciaire. En coopération avec le Programme des Nations Unies pour le développement (PNUD), elle a également continué à aider les autorités judiciaires locales, dans tout le pays.

IV. TRIBUNAL INTERNATIONAL POUR LE RWANDA

16. Le Bureau du Procureur du Tribunal international pour le Rwanda a continué d'enquêter sur les massacres de l'an dernier en vue de publier les premiers actes d'accusation avant la fin 1995. Ayant augmenté ses effectifs, le Bureau compte à présent 30 magistrats instructeurs fournis par les Gouvernements des États-Unis d'Amérique, de la Norvège, des Pays-Bas, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et de la Suisse. On y trouve aussi des fonctionnaires des Nations Unies dont le recrutement a été rendu possible quand il a été décidé de ne pas appliquer au Tribunal les restrictions financières récemment imposées par la crise financière touchant l'Organisation des Nations Unies. À la fin du mois d'octobre, l'ONU a envoyé à Kigali un coordonnateur des mesures de sécurité afin d'évaluer la situation en la matière en ce qui concerne le Bureau du Procureur et d'élaborer un dispositif

UNAMIR KIGALI RWANDA :95-12- 4 : 19:05 :UN_FAXPAD COMMCEN:#

d'intervention permettant d'assurer la sécurité du Tribunal international dans la perspective d'un retrait éventuel des troupes de la MINUAR du Rwanda après l'expiration du mandat actuel.

17. Depuis qu'il a été désigné, le 8 septembre 1995, le Greffier du Tribunal s'est rendu deux fois dans la région et réside actuellement à Arusha. Plus récemment, il s'est déplacé avec le Procureur dans les pays voisins du Rwanda afin d'examiner avec leurs responsables les obligations qui leur incombent de coopérer avec le Tribunal.

18. À la fin d'octobre, une équipe des Nations Unies s'est rendue à Arusha pour inspecter les locaux devant accueillir le Tribunal et pour passer en revue les besoins de celui-ci en matière de sécurité, de soutien logistique et d'appui administratif. Un bail a été signé le 31 octobre entre le Tribunal et le Centre de conférences international d'Arusha. Des dispositions ont été prises pour permettre au personnel du Tribunal, qui devait être à Arusha le 1er décembre 1995, d'utiliser à titre temporaire des locaux à usage de bureaux et de logement, et le juge désigné pour réexaminer les actes d'accusation est arrivé à Arusha. La deuxième session plénière du Tribunal devrait se tenir à Arusha entre les 8 et 12 janvier 1996. Les juges examineront et adopteront la directive régissant la désignation des conseils, les règles applicables aux conditions de détention des personnes en instance de jugement devant le Tribunal et le rapport annuel du Tribunal.

19. Le Fonds de contributions volontaires à l'appui des activités du Tribunal peut disposer actuellement d'un montant total de 6,4 millions de dollars sous forme de contributions annoncées ou versées en espèces.

20. Conformément à la résolution 955 (1994) du Conseil, en date du 8 novembre 1994, dans laquelle le Secrétaire général était prié de rendre régulièrement compte au Conseil de sécurité de l'application de la résolution portant création du Tribunal, j'ai jusqu'ici présenté trois rapports, dont le dernier est daté du 25 août. Étant donné la brièveté de la période écoulée depuis mon dernier rapport et le fait que le Tribunal va tenir prochainement une session plénière à Arusha, je ne rends compte ici que des faits les plus récents. Il incombe dorénavant au Président du Tribunal de présenter ses rapports annuels au Conseil de sécurité et à l'Assemblée générale, conformément à l'article 32 du statut du Tribunal.

V. ASPECTS MILITAIRES

A. Déploiement et activités de la Mission des Nations Unies pour l'assistance au Rwanda

21. Depuis mon dernier rapport, on n'a observé aucun changement en ce qui concerne le déploiement du contingent militaire de la MINUAR. Au 30 novembre, la Force comprenait 1 783 soldats et 37 officiers d'état-major; 285 observateurs militaires sur un effectif autorisé de 320 avaient également été déployés à travers le pays (voir annexe).

22. Le contingent de la MINUAR et les observateurs militaires ont continué d'apporter leur contribution à la sécurité du Tribunal international et de

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UNAMIR-KIGALI@RWANDA :95-12- 4 ; 18:08 ;UN FAXPAD COMMCEN:#

l'Opération des Nations Unies pour les droits de l'homme au Rwanda, ainsi que, selon que de besoin, à celle du personnel et des locaux des organismes des Nations Unies et des organisations humanitaires. Les observateurs militaires de la MINUAR ont continué de favoriser l'instauration d'un climat de confiance en effectuant des tâches de surveillance avec les observateurs de la police civile de la MINUAR.

23. La MINUAR a continué de faciliter le retour et la réinstallation, dans de bonnes conditions de sécurité, des réfugiés dans leur communauté d'origine et d'appuyer la fourniture de services humanitaires à la population rwandaise. À cet égard, la Mission s'est tenue prête à aider à transporter les rapatriés au cas où le rythme des rapatriements dépasserait les capacités du HCR et de l'Organisation internationale pour les migrations (OIM). Elle a aidé à reconstruire les infrastructures de base, à réparer les routes et les ponts, à remettre en service les moyens de télécommunications et à désengorger les prisons en fournissant des services de soutien logistique et technique. Elle a également fourni une assistance médicale en livrant des médicaments et des fournitures médicales, en organisant pour les blessés un service d'évacuation d'urgence par hélicoptère, des services de chirurgie et des inspections sanitaires et en offrant des moyens de formation médicale et autres aux hôpitaux et des moyens prophylactiques aux orphelinats. Elle a également fourni des véhicules pour distribuer les semences et les outils agricoles et aidé à exécuter des projets de prévention de la détérioration de l'environnement.

B. Sécurité

24. Au cours de la période considérée, on n'a signalé aucun cas grave de violence impliquant des civils. Toutefois, on a enregistré une augmentation notable des activités insurrectionnelles dans les préfectures de l'ouest du pays. On a signalé des actes de banditisme et de sabotage, parmi lesquels le meurtre de civils, la pose de mines et la destruction de pylônes électriques; ces actes ont souvent été attribués à des agents infiltrés depuis le Zaïre. Ces attaques, qui provoquent généralement des mesures de rétorsion de la part des forces de sécurité rwandaises, restent le problème de sécurité le plus préoccupant auquel le pays doive faire face aujourd'hui. À cet égard, il importe de noter que la sécurité est sensiblement mieux assurée dans les secteurs où des troupes de la MINUAR ont été déployées que dans ceux où seuls des observateurs militaires ont été postés.

25. L'opération de sécurité concernant les camps du Zaïre, qui est une opération menée en commun par le HCR et le Gouvernement zaïrois, a bien réussi à restaurer et à maintenir la sécurité dans les camps de réfugiés rwandais au Zaïre. L'avenir de cette opération est fortement tributaire du rythme de rapatriement des réfugiés rwandais. Actuellement, le siège du HCR étudie la possibilité d'en proroger le mandat pendant au moins les trois premiers mois de 1996.

VI. POLICE CIVILE

26. Dans sa résolution 997 (1995), le Conseil a décidé de maintenir à son niveau actuel l'effectif du personnel de la police civile de la Mission. Au

UNAMIR-KIGALI●RWANDA ;95-12- 4 ; 18:07 ;UN_FAXPAD COMMCEN:#

30 novembre, 85 observateurs de 12 pays étaient déployés sur un effectif total autorisé de 120 (voir annexe).

27. Comme indiqué dans mon précédent rapport, les activités de la police civile de la MINUAR sont demeurées axées sur la formation de la Force de police nationale rwandaise, comme l'a demandé le Conseil de sécurité dans sa résolution 997 (1995). Jusqu'à présent, 403 nouveaux gendarmes ont suivi le programme et la formation de 515 autres devrait se terminer le 20 décembre. Grâce à ce programme, le Rwanda devrait disposer de 918 gendarmes qualifiés, sur les 6 000 dont le pays a besoin d'après les estimations. Le Vice-Président Paul Kagame a ouvert la formation de la police communale, qui constitue la seconde composante de la Force de police nationale rwandaise, le 19 novembre à Gishali.

28. Au cours de la période considérée, la police civile de la MINUAR a poursuivi, en collaboration avec les observateurs militaires, ses tâches quotidiennes de surveillance dans l'ensemble du Rwanda. Ces tâches consistent à surveiller les prisons et la gendarmerie, en particulier pour ce qui est du respect des droits de l'homme, conjointement avec l'Opération des Nations Unies pour les droits de l'homme au Rwanda. La police civile coopère aussi avec le HCR afin de surveiller la sécurité des rapatriés.

VII. ASPECTS HUMANITAIRES

29. Au 6 octobre 1995, des contributions d'un montant de 582,2 millions de dollars avaient été annoncées en faveur des institutions spécialisées des Nations Unies au titre de l'appel global de l'ONU pour la région des Grands Lacs. Ce montant a couvert 80,2 % des ressources nécessaires corrigées des secours humanitaires pour 1995. Toutefois, les contributions annoncées spécifiquement en faveur du Rwanda ne s'élevaient qu'à 94,5 millions de dollars, alors que 160,3 millions avaient été demandés, ce qui représente 58 % des ressources nécessaires corrigées.

30. La situation humanitaire au Rwanda continue de s'améliorer, des progrès réguliers ayant été enregistrés dans le passage de la phase des secours d'urgence au relèvement, à la reconstruction et au développement. Toutefois, un retour massif ou incontrôlé de réfugiés pourrait avoir de graves conséquences pour ces efforts. Une relation complexe existe entre plusieurs situations critiques : la réintégration des réfugiés, le surpeuplement des prisons et la réorganisation du système judiciaire, la sécurité des rapatriés au niveau communautaire, ainsi que l'insuffisance des logements et de terrains pouvant être viabilisés.

31. En septembre et octobre, 32 190 réfugiés au total sont rentrés au Rwanda, principalement dans des convois organisés par le HCR. Le nombre des rapatriés revenant de la République-Unie de Tanzanie est passé de 1 000 en septembre à 2 000 en octobre, dont 1 144 nouveaux cas. Environ 19 000 réfugiés sont rentrés du Zaïre, dont 94 % sous les auspices du HCR. Le nombre de rapatriés volontaires en provenance du Burundi a chuté, passant de 7 773 en septembre à 1 012 en octobre.

32. La plupart des observateurs attribuent le nombre peu élevé de rapatriés à la poursuite de la campagne d'intimidation et de désinformation menée dans les

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UNAMIR-KIGALI●RWANDA 95-12-4 : 19:09 :UN_FAXPAD → COMMCEN:#

camps de réfugiés. En outre, nombre de réfugiés craignent, soupçonnés d'avoir participé au génocide de l'an dernier, de subir des représailles, d'être dénoncés ou emprisonnés dès leur retour au Rwanda. Le Gouvernement a systématiquement affirmé que tous les réfugiés rwandais se trouvant à l'étranger sont les bienvenus s'ils souhaitent retourner dans leurs foyers, mais que ceux qui ont participé à la préparation ou à l'exécution du génocide seraient emprisonnés. La pénurie de logements et de terres dissuade aussi les réfugiés de retourner dans leurs foyers. En cas de rapatriement massif, il y aura inévitablement des conflits en matière de logements et de biens fonciers.

33. Le rapatriement, toutefois, demeure la seule solution durable. Afin de devancer les mesures draconiennes prises par les pays d'asile et d'éviter le chaos et la violence probable que des rapatriements forcés massifs déclencheraient au Rwanda, le HCR encourage le rapatriement volontaire organisé sur une grande échelle. À ce titre, son assistance comprend les éléments suivants : l'agrandissement des structures d'accueil et des services de transit existants; l'ouverture de nouvelles installations permettant le traitement d'un plus grand nombre de rapatriés; la fourniture d'une assistance directe aux rapatriés sous forme de moyens de transport, de denrées alimentaires et d'articles de secours; la fourniture d'une assistance institutionnelle aux ministères qui participent directement à l'application des programmes d'assistance du HCR; une assistance communautaire, la construction d'abris et la mise en place de zones d'installation rurales. Ces activités ont été entreprises en collaboration avec d'autres institutions spécialisées des Nations Unies, des organisations non gouvernementales (ONG) et les services du Gouvernement rwandais. Parmi les autres mesures importantes prises par le HCR en vue de promouvoir le rapatriement figurent l'intensification des campagnes d'information de masse (notamment la radiodiffusion quotidienne de messages sur la radio de la MINUAR) et des visites d'échange de responsables ou de réfugiés et le suivi régulier des rapatriés au Rwanda, avec des administrateurs de l'Opération des Nations Unies pour les droits de l'homme au Rwanda, ainsi que le personnel militaire et la police civile de la MINUAR.

34. La situation alimentaire générale au Rwanda s'est améliorée, permettant de réduire l'aide alimentaire distribuée aux populations à risque. Le Programme alimentaire mondial (PAM) est revenu à la stratégie consistant à utiliser autant que possible l'assistance alimentaire disponible pour des projets "vivres contre travail" et des projets d'activités génératrices de revenus. Les parties du pays qui ont traditionnellement souffert de déficits vivriers sont surveillées de près. Des programmes ciblés d'assistance alimentaire, appliqués par le PAM, le Fonds des Nations Unies pour l'enfance (UNICEF), le CICR et d'autres organisations, sont en place et devraient fortement contribuer à la sécurité alimentaire de la population rwandaise.

35. Dans mon rapport précédent, j'ai déclaré que les fonctions du Bureau des Nations Unies pour les secours d'urgence au Rwanda seraient assumées par le coordonnateur résident des Nations Unies. Étant donné que les secours d'urgence ont bel et bien laissé la place aux efforts de redressement, ce transfert s'est achevé le 31 octobre, comme prévu. Une petite équipe, qui faisait auparavant partie du Bureau pour les secours d'urgence, a été intégrée au Bureau du coordonnateur résident afin de veiller à ce que la communauté internationale réagisse rapidement en cas de situation d'urgence.

UNAMIR-KIGALI●RWANDA :95-12- 4 : 15:10 :UN_FAXPAD COMMCEN:

VIII. ASPECTS ÉCONOMIQUES ET SOCIAUX

36. Comme je l'ai mentionné dans mon précédent rapport, les décaissements de fonds engagés par la communauté des pays donateurs à la Table ronde de Genève ont augmenté au cours du dernier trimestre de 1995. Au 15 septembre, les pays donateurs avaient signé avec le Rwanda des accords d'aide financière pour un montant total de 267,6 millions de dollars, dont 183,6 millions de dollars ont été décaissés. En même temps, le montant total des fonds décaissés à la suite des tables rondes de Genève de janvier et de juin s'élevait à 252 millions de dollars, soit 43 % du montant engagé. Le volume et la composition de l'aide au développement pour la période triennale 1996-1998 seront examinés à la prochaine table ronde, qui doit se tenir en mars 1996 à Genève. Les consultations thématiques tenues à Kigali du 21 au 23 novembre ont porté essentiellement sur l'assistance à fournir immédiatement aux secteurs du relèvement et de la réinstallation en prévision du retour d'un nombre important de réfugiés.

37. Au cours du troisième trimestre de 1995, les revenus du Gouvernement ont augmenté, conformément aux projections initiales, mais cette amélioration n'a pas été suffisante pour compenser le déficit enregistré au cours de la première moitié de l'année. Cette augmentation des revenus, combinée avec une aide supplémentaire des donateurs, a permis au Gouvernement de payer ponctuellement les traitements de tous les fonctionnaires, à l'exception des militaires. Cela fait maintenant six mois au moins que ces derniers n'ont pas été payés, ce qui aggrave indubitablement les problèmes que pose le maintien de l'ordre.

38. Dans le secteur du commerce extérieur, au cours des trois premiers trimestres, le Rwanda a exporté 9 444 tonnes de café et 3 449 tonnes de thé, au prix moyen (par kilo) de 2,44 dollars et 0,73 dollar, respectivement. On pense maintenant que les exportations de café atteindront un total de 20 000 tonnes, soit environ 33 % de plus que les estimations antérieures. Cette augmentation des recettes d'exportation, ainsi que les fonds décaissés par les institutions financières internationales pour soutenir la balance des paiements, ont contribué à la stabilisation du taux de change commercial. Le taux de change du dollar des États-Unis s'est maintenu entre 305 et 315 francs rwandais après avoir atteint 330 francs le 20 juillet.

39. Dans le secteur monétaire, le système d'estimation instantanée mis en place par la Banque nationale du Rwanda a confirmé que les excédents de liquidité des banques rouvertes avaient sensiblement diminué en raison de l'augmentation des prêts accordés au secteur privé, essentiellement pour le traitement et l'exportation du café. Les emprunts contractés auprès du Gouvernement auraient diminué, ce qui compense l'augmentation du crédit accordé aux secteurs de production. Selon les projections du programme financier arrêté en accord avec le Fonds monétaire international, l'augmentation de la masse monétaire est peut-être due uniquement à une accumulation rapide des réserves en devises. Dans le contexte d'une croissance contrôlée de la masse monétaire et d'une stabilisation du taux de change, l'inflation des prix est tombée à 1,4 % par mois, contre 6 % en juin et juillet.

40. L'Organisation des Nations Unies pour l'alimentation et l'agriculture (FAO) a signalé que la saison agricole de 1995 avait été nettement meilleure que prévu, en partie à cause des conditions météorologiques favorables et de l'aide

UNAMIR-KIGALI●RWANDA :95-12- 4 : 19:11 :UN_FAXPAD COMMCEN:#

agricole fournie en temps voulu par la communauté des pays donateurs. Bien que la production des céréales ait augmenté de 49 % et que celle des légumineuses ait plus que doublé par rapport à la saison précédente, les récoltes de 1995 ont été bien inférieures à celles de la saison, plus normale, de 1990. Cette baisse est essentiellement imputable aux déplacements de population des 18 derniers mois. D'après les niveaux de production actuellement prévus, la FAO s'attend à un déficit alimentaire d'environ 140 000 tonnes pour la période de juin à décembre 1995.

41. Dans les secteurs sociaux, l'objectif général du Gouvernement rwandais consiste toujours à rétablir les services à leur niveau d'avant la guerre et à en améliorer ensuite la qualité et la fourniture d'ici à 1996. Bien que l'enseignement secondaire ait repris moins rapidement que l'enseignement primaire, le Ministère de l'enseignement primaire et secondaire a fait des progrès considérables. Les écoles privées ont reçu une aide alimentaire du PAM et des ONG internationales. Avec l'assistance technique de l'Organisation mondiale de la santé (OMS), les services fournis par le secteur de la santé ont été adaptés aux priorités actuelles (malnutrition, sida et traumatismes consécutifs à la guerre). Au 15 novembre, seul le secteur de la santé avait reçu des donateurs une aide substantielle (1 182 147 dollars décaissés). L'assistance fournie par les donateurs aux secteurs sociaux, dont il a été question lors des consultations thématiques de novembre, sera à nouveau examinée à la table ronde qui aura lieu à Genève en mars 1996.

IX. ASPECTS FINANCIERS

42. Dans sa résolution 49/20 B du 12 juillet 1995, l'Assemblée générale m'a demandé de lui présenter des prévisions de dépenses révisées pour la MINUAR pour la période allant du 10 juin au 31 décembre 1995. Ces prévisions de dépenses révisées se montent, en chiffres bruts, à 96 685 400 dollars.

43. J'ai aussi présenté des prévisions de dépenses révisées pour la période allant du 1er janvier au 30 juin 1996. Si, toutefois, le Conseil de sécurité accepte la recommandation que je formule au paragraphe 49, des prévisions révisées pour la clôture de la Mission seront soumises à l'Assemblée générale au cours de sa présente session.

44. Au 21 novembre 1995, le montant total des contributions non acquittées au compte spécial de la MINUAR depuis le début de la Mission s'élevait à 74,8 millions de dollars. Le montant total des quotes-parts non versées pour l'ensemble des opérations de maintien de la paix se montait à 1 968 800 dollars.

X. OBSERVATIONS

45. Comme indiqué plus haut, la question fondamentale reste celle de la réconciliation nationale. Or, celle-ci exige que soient mises en place rapidement les conditions grâce auxquelles 1,6 million de réfugiés pourront rentrer chez eux dans la dignité et la sécurité et les responsables du génocide pourront être traduits en justice. Les réfugiés, qui se trouvent depuis près d'un an et demi dans des camps au Zaïre et en République-Unie de Tanzanie, constituent pour ces pays un fardeau socio-économique et environnemental extrêmement pesant, qui a parfois durement mis à l'épreuve leur bonne volonté.

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UNAMIR KIGALI RWANDA 95-12- 4 ; 19:13 ;UN_FAXPAD → COMMCEN:

En outre, l'augmentation des actes de sabotage et d'infiltration commis par les anciennes forces gouvernementales et les milices a suscité un regain de tension à l'intérieur du Rwanda et entre le Rwanda et ses voisins, ce qui risque de provoquer des cycles de récrimination réciproque, comme cela s'est passé après l'incident de l'île d'Iwawa. Tous ces facteurs intensifient le risque de refoulement forcé des réfugiés.

46. Dans ces circonstances, il est d'autant plus important de s'attaquer sans tarder à la question du rapatriement librement consenti des réfugiés et de leur réinstallation sans danger dans leurs communautés d'origine. Une politique de rapatriement forcé risquerait de provoquer une autre catastrophe humanitaire. Le HCR cherche donc activement et résolument à persuader les réfugiés de retourner volontairement chez eux. Pour que cette entreprise réussisse, il est essentiel que les pays voisins l'appuient en montrant qu'ils ont la volonté politique d'appliquer les accords relatifs au retour des réfugiés qui figurent dans la Déclaration de Nairobi et dans le Plan d'action de Bujumbura. La communauté internationale et les organismes des Nations Unies, pour leur part, devront aider dans toute la mesure possible à surmonter les obstacles au rapatriement volontaire, y compris l'intimidation dans les camps et les craintes de persécution au Rwanda.

47. Les efforts visant à susciter un rapatriement massif se prolongeront nécessairement au cours des trois à six mois à venir, compte tenu de la "communauté d'intérêts" à l'égard du rapatriement que le Haut Commissaire pour les réfugiés a notée après s'être rendu dans tous les pays de la région des Grands Lacs. C'est dans cette optique qu'une bonne partie de la communauté internationale estime qu'il serait bon de proroger à nouveau de six mois le mandat actuel de la MINUAR. Je sais, bien entendu, que le rôle de la Mission ne peut être qu'un rôle de facilitation et que c'est le Gouvernement rwandais lui-même qui est au premier chef responsable d'assurer la sécurité et de fournir le soutien matériel nécessaire au retour des réfugiés. Toutefois, la présence de la MINUAR pourrait aider à redonner confiance aux réfugiés et à les encourager à se décider à rentrer.

48. Les pays donateurs, la plupart des pays qui fournissent des contingents à la MINUAR, le HCR, le Tribunal international, le Haut Commissaire aux droits de l'homme, les organismes des Nations Unies, le Secrétaire général de l'Organisation de l'unité africaine, les organisations non gouvernementales et les voisins du Rwanda m'ont tous fait savoir qu'ils partageaient ce point de vue. À leur avis, si la MINUAR donnait l'impression d'abandonner le Rwanda à ce stade critique, les réfugiés, la région en général et la communauté internationale tout entière y verraient un motif de découragement.

49. Toutefois, le Gouvernement rwandais m'a officiellement fait savoir qu'il n'accepterait pas que le mandat de la MINUAR soit prorogé au-delà du 8 décembre, date de son expiration. Sa raison est que la Mission ne répond pas aux besoins réels du Rwanda. Par contre, il pourrait envisager que l'ONU maintienne une présence dans le pays, à condition qu'elle ait pour objectif d'aider le Rwanda dans ses tâches pressantes de redressement et de reconstruction, notamment en fournissant des experts techniques, une assistance financière et du matériel. Comme la MINUAR ne peut rester au Rwanda sans l'assentiment du Gouvernement, j'ai l'intention de commencer le 8 décembre le retrait progressif de

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UNAMIR KIGALI●RWANDA :95-12- 4 : 19:14 :UN_FAXPAD COMMCEN:#

l'opération. Le processus de retrait devrait prendre de deux à trois mois au total. Pendant cette période, la MINUAR ne serait plus en mesure de s'acquitter de son mandat actuel, car il lui faudrait s'attacher à faire en sorte que le départ du personnel et du matériel militaires des Nations Unies se fasse dans l'ordre et la sécurité.

50. Pour examiner les conséquences de cette divergence de vues, il est nécessaire de se souvenir que l'objectif suprême de l'Organisation est le rétablissement de la paix et de la stabilité non seulement au Rwanda, mais aussi dans la région tout entière. Cela exige de résoudre les problèmes de la réconciliation, de la justice et du rapatriement des réfugiés au Rwanda. Mais cela suppose aussi d'aborder d'autres problèmes qui contribuent aux tensions et à l'instabilité dans la région des Grands Lacs. Les efforts faits pour parvenir à un règlement global doivent par conséquent se poursuivre. J'espère que les progrès de la coopération entre les pays de la région continueront et créeront les conditions nécessaires à la réalisation rapide d'un tel règlement.

51. L'ONU a encore un rôle utile à jouer dans le domaine politique à cette fin. Je recommande donc qu'elle maintienne une présence politique au Rwanda après le retrait de la MINUAR. Un bureau de l'ONU, dirigé par mon Représentant spécial, pourrait être créé afin d'encourager, en consultation avec le Gouvernement rwandais, la recherche de la paix et de la stabilité au moyen de la justice et de la réconciliation. Mon Représentant spécial continuerait aussi à avoir la responsabilité globale de la coordination et, le cas échéant, de l'expansion de l'assistance que l'ONU et la communauté internationale offrent à l'appui des efforts de redressement et de reconstruction du Rwanda. Il est entendu que, conformément à la Convention sur les privilèges et immunités des Nations Unies, le Rwanda donnerait à ce bureau la liberté d'accès et de mouvement dont il aurait besoin dans l'ensemble du pays et garantirait sa sûreté et sa sécurité. Le Rwanda a aussi exprimé le souhait que le matériel appartenant à la Mission soit laissé au Gouvernement après le départ de la Mission. Je comprends certes ce désir de garder du matériel non militaire qui pourrait lui être utile pour ses efforts de redressement, mais c'est là de toute évidence une question dont seule l'Assemblée générale peut décider.

52. Enfin, je tiens à exprimer mes très chaleureux remerciements à mon Représentant spécial, M. Shaharyar Khan, au commandant de la Force, le général Guy Tousignant, et à tout le personnel civil, militaire et de police de la MINUAR pour leur dévouement au service de cette mission des Nations Unies et à la cause qu'elle défend. Dans des conditions parfois extrêmement pénibles, les hommes et femmes de la MINUAR se sont acquittés de façon exemplaire des tâches importantes et souvent redoutables qui leur ont été confiées.

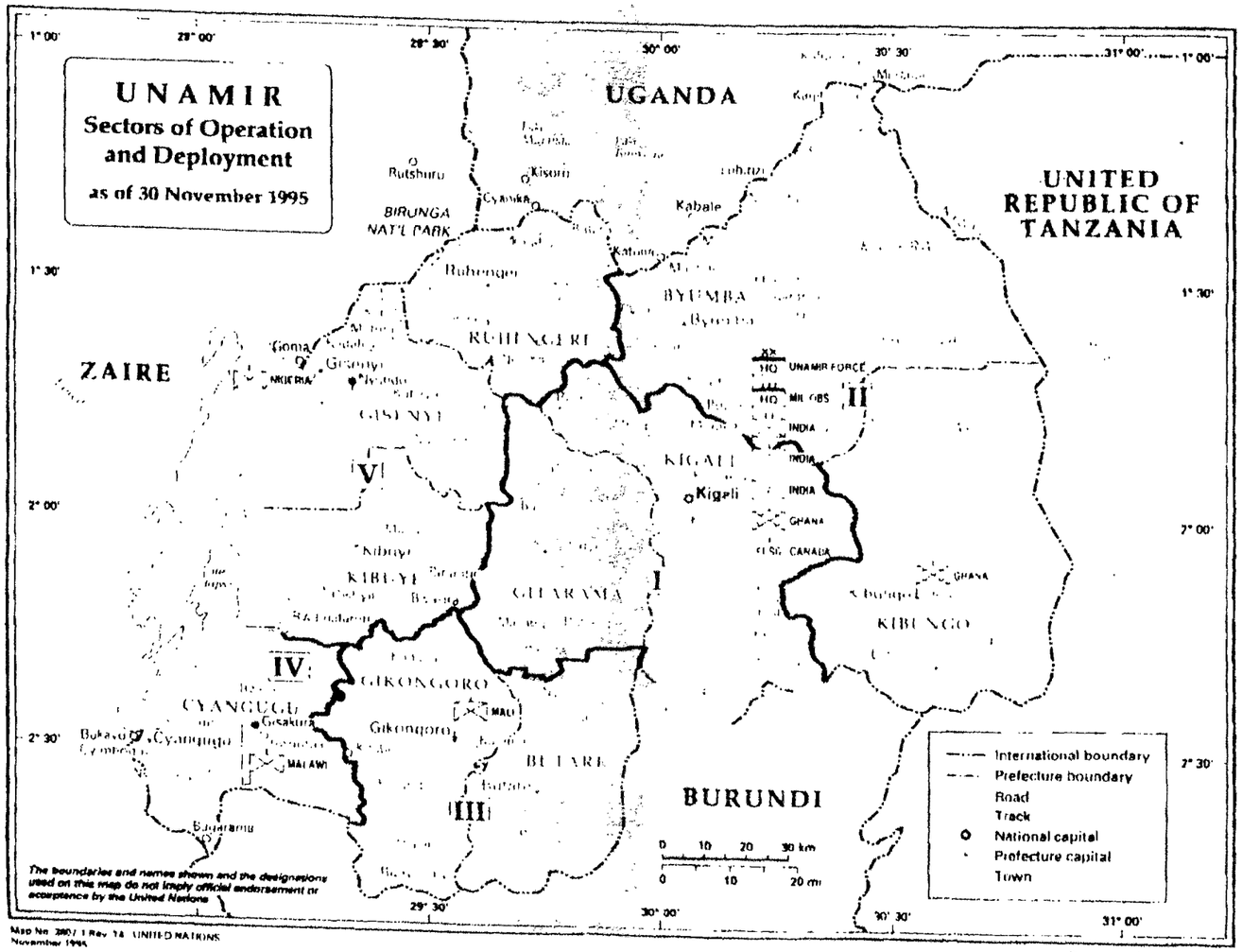
UNAMIR KIGALI RWANDA :95-12- 4 : 18:15 :UN_FAXPAD → COMMCEN:

ANNEXE

Composition de la MINUAR au 30 novembre 1995

Pays	Personnel militaire				Police civile	Total général
	Troupes	État-major	Observateurs	Total		
Allemagne				0	7	7
Argentine			1	1		1
Autriche			15	15		15
Bangladesh			36	36		36
Canada	93	8	10	111		111
Congo			7	7		7
Djibouti				0	5	5
Éthiopie				0		0
Fédération de Russie			17	17		17
Fidji			1	1		1
Ghana	307	7	32	346	10	356
Guinée			17	17		17
Guinée-Bissau			1	1	6	7
Inde	938	9	22	969		969
Jordanie			5	5	4	9
Malawi	133		14	147		147
Mali	132		12	144	8	152
Niger				0	7	7
Nigéria	144	5	17	166	10	176
Pakistan			5	5		5
Sénégal			2	3		3
Suisse				0	3	3
Tchad					5	5
Tunisie	14	2		16	10	26
Uruguay			26	26		26
Zambie	22	5	20	47	10	57
Zimbabwe			25	25		25
Total	1 783	37	265	2 105	85	2 190

UNAMIR-KIGALI→RWANDA 95-12-4 19:17 UN_FAXPAD COMMCEN


UNAMIR
Sectors of Operation and Deployment
as of 30 November 1995
UGANDA
UNITED REPUBLIC OF TANZANIA
ZAIRE
BURUNDI
Rutshuru
Kisoro
Kabale
BIRUNGA NAT'L PARK
Ruhengeri
RUHENGERI
BYUMBA
Goma
Gisenyi
GISENYI
KIGALI
Kigali
KIBUNGO
KIBIYE
GITARAMA
GIKONGORO
Gikongoro
CYANGUGU
Cyangugu
Gisakura
BUTARE
Bujumbura
I
II
III
IV
V
HQ UNAMIR FORCE
HQ MILOBS
INDIA
GHANA
CANADA
MALAWI
International boundary
Prefecture boundary
Road
Track
National capital
Prefecture capital
Town
0 10 20 30 km
0 10 20 mi
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