

UNAMIR

UNAMIR MANDATE

9 OCT 1995 - 10 JAN 1996

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JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 10 JANUARY 1996

The following were present:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Mr. Sam Nkusi	Ministry of Transport and Communication
Maj. Musho Frank Kamanzi	Ministry of Defence
Maj. Kayitare Kamarade	RPA Liaison Officer
Mr. Musoni James	Ministry of Youth & Cooperation
Mr. Bagambik Felix	Ministry of Foreign Affairs

UNAMIR

Ambassador Shaharyar M. Khan	Special Representative of the Secretary-General
Brig. Shiva Kumar	Acting Force Commander
Mr. Bill Clive	Acting Chief Administrative Officer
Ms. Isel Rivero	Special Assistant to SRSG
Mr. M. Ncube	Legal Officer

Mandate

1. The SRSG opened the meeting by outlining UNAMIR's withdrawal schedule which was proceeding on time. The Acting Force Commander supplemented the information in greater detail and indicated that a platoon was presently providing protection to Tribunal personnel in Kibuye. Mr. Dusaidi stated that consultations concerning security provisions for the Tribunal needed to take place with the Government of Rwanda as spelled out by the Security Council. The SRSG indicated that Mr. Goldstone would be arriving in Kigali on 11 January and would be apprised of Mr. Dusaidi's concern. He added that he had already requested the International Tribunal to prepare security contingency plans to replace UNAMIR which would withdraw on March 8.

Equipment

2. SRSG informed Mr. Dusaidi of the latest instructions received from New York on this issue as contained in Mr. Beissel's telegramme of 3 January 1996, paragraphs 4 (a), (b), (c) and (d), copy attached as Annex A. He reiterated that a decision by the General Assembly was required regarding disposal of United Nations equipment if a departure from existing guidelines was being sought. SRSG also informed Mr. Dusaidi that lethal, leased, and contingent owned equipment

was not part of the available pool. In addition, SRSG repeated that equipment items required by other peace keeping operations were prioritized to leave Rwanda as requested by New York. He reassured Mr. Dusaidi that every effort was being made to allow for flexibility in this matter. He requested Mr. Dusaidi's cooperation in facilitating the exit of equipment brought in by different UNAMIR contingents.

3. The Government of Rwanda's point of view as reflected by Messrs. Dusaidi, Nkusi and Major Kamanzi was that, in spite of communications addressed to the Secretary General and discussions having taken place for over six months, there was no movement. The inevitable conclusion was that the matter was being deliberately delayed by the United Nations. It was clear that United Nations gave a greater priority to United Nations agencies and NGOs than to the Government of Rwanda. It was also clear that the equipment left behind for the Government's use would be of negligible value and possibly of little use to the Government. Mr. Dusaidi wondered whether it was worthwhile continuing discussions on the issue, specially as UNAMIR would withdraw by March 8.

4. SRSG explained that though the process was slow requiring the approvals of the United Nations Controller, the ACABQ, and ultimately the General Assembly, there was no deliberate delay and that the discussion was worth continuing. The Rwandan Government response to the Trust Fund list of loaned equipment was awaited.

5. Mr. Dusaidi requested that a list of equipment which was not available for transfer be provided to the Government. Sometimes the items indicated in packed containers did not correspond to the actual equipment being transferred out of the country. Mr. Nkusi added that equipment which was being packed and shipped out by UNAMIR sometimes contained sensitive items which had not been declared to the Government. Both Messrs. Dusaidi and Nkusi pointed out that the equipment issue was crucial during the negotiations in New York on UNAMIR's new mandate. Mr. Nkusi further inquired from SRSG whether he had requested the Secretary General that priorities in the disposal of UNAMIR's assets be changed in favour of the Rwandese government.

6. Responding to the points made by the Rwandan side, SRSG stated that he could not provide a list of equipment until such time as it had been approved by New York Headquarters. In any case it would be misleading to provide lists that had not been cleared by New York. He added that UNAMIR's recommendations had been communicated to New York and it was evident from New York that they were being given due consideration. He wished to underline that the Secretariat was sympathetic to the request and was doing all it could within existing regulations to expedite. The process was cumbersome but patience was required in a system that had so many checks and balances.

7. Mr. Nkusi suggested that the present Trust Fund ceiling should not be a major constraint as the Government would be amenable to purchasing items in good standing. SRSG took note of this remark and stated that he would inform Headquarters.

8. Mr. Dusaidi then requested SRSG to convey to New York the Government of Rwanda's impatience on the outcome of this matter as well as its skepticism on any positive results being achieved. The Secretary General may be informed, that the Government was counting on his goodwill to find a solution. He also requested that the Secretary General report on his efforts to the Security Council.

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9. It was agreed that a meeting of the working group would be held on Thursday, 11 January at the Ministry of Defence.

Other Business

Repairs

10. SRSG informed Mr. Dusaidi on progress regarding repairs to the Amahoro Stadium where contractors and Habitat were proceeding as scheduled. A total of US\$209,000 had been earmarked for the first phase. The Acting CAO also informed Mr. Dusaidi that repairs to the Infantry School used by AUSMED were proceeding. The Government of Rwanda was the executing partner and so far RWFr. 11.3 million had been disbursed. The total estimated cost was RWFr. 20 million.

11. Continuing, SRSG informed Mr. Dusaidi that the Housing Sub-Committee had met five times and work was proceeding satisfactorily.

Belgian Village

12. In response to a query raised by Mr. Dusaidi at a previous meeting regarding the Belgian Village contract, SRSG informed that the Force Commander Gen. Dallaire and the Belgian Military had concluded an agreement to enable UNAMIR to repair and use the facilities. It was expected that following UNAMIR's withdrawal, other United Nations programmes such as Human Rights and the International Tribunal would wish to take-on the accommodations.

13. Mr. Dusaidi explained that a previous agreement had been concluded between the Rwandese Ministry of Defence and the Government of Belgium. Unfortunately, the Belgian Government had not consulted the Government of Rwanda and any future use of the Belgian Village would have to receive the Rwandan Government's approval.

Sub-contractors

14. SRSG then indicated that he had received instructions from New York Headquarters on taxation of UNAMIR subcontractors and provided Mr. Dusaidi with a Non-Paper containing the main points, copy attached as Annex B. The United Nations Legal Office was of the opinion that since sub-contractors were performing a function which the United Nations could not perform, and were in Rwanda solely for the purpose of assisting the United Nations, they should be considered as part of UNAMIR and therefore not subject to taxation.

15. Mr. Dusaidi replied that his Government categorically rejected such interpretation. Any company's earnings were taxable as they were utilising the Government's facilities and making a profit while in Rwanda. The United Nations had previously taken a clear-cut position stating that the contractors were independent bodies that were not covered by United Nations privileges. The present United Nations's stand that the contractors were part of the United Nations and not liable to tax was not acceptable. In this regard, the activities of the UNAMIR Subcontractors would be suspended. He further requested that the United Nations position be placed in a formal letter. Mr. Nkusi also referred to a precedent which had been established with Brown and Root with regard to the installation of their satellite system in Rwanda. In that case, the United Nations had agreed that Brown and Root should be taxed. He would provide the SRSG with the relevant documentation.

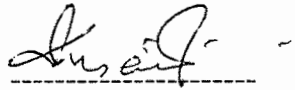
Local Staff in Prisons

16. The SRSG then referred to United Nations local staff members who were in prison. He wished to inform Mr. Dusaidi that the United Nations offices in Rwanda would be retaining the services of a Defence Lawyer. Mr. Dusaidi replied that the Ministry of Justice would be informed.

Communications Equipment

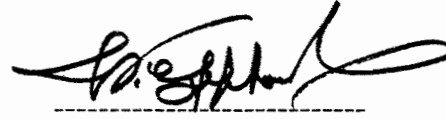
17. Mr. Nkusi then referred to fees that the Government of Rwanda would be charging for the use of frequencies and equipment. He also referred to the problem of outstanding bills left by UNAMIR staff specially telephone bills and bills for utility services. SRSG informed Mr. Nkusi that he would shortly be receiving from the United Nations Resident Coordinator an answer on Rwanda's proposals for charges for the use of frequencies and equipment which he believed would be satisfactory to the Government. On the second point, unpaid bills, he explained that a difference existed between United Nations civilian and military staff. In the former instance it was likely that costs could be recuperated. In the latter instance it would be almost impossible. Mr. Nkusi requested UNAMIR's cooperation in the clearance process, prior to departure, to ascertain whether staff had paid all their outstanding bills. The Acting CAO said he would look into the matter.

18. The SRSg informed Mr. Dusaidi that he would be away on leave and official business until the end of the month.



Claude Dusaidi

Date: 1/2/96



For Shaharyar M. Khan

Date: 17 January 1996

3. Therefore, notwithstanding the Security Council's statement in S/RES/1029, "request[ing] the Secretary-General to examine,...the feasibility of transferring UNAMIR non-lethal equipment,...for use in Rwanda;..." it will still be necessary to submit UNAMIR's proposals for asset distribution in the context of a separate report of the Secretary-General. In this regard, please also find attached a copy of the asset disposal plan for ONUMOZ, A/49/649/Add.2 which should be used as a template for the UNAMIR submission. (For your information, the aforementioned documentation was also provided to Mr. Michael Haner during his recent visit to New York, should the quality of this facsimile transmission prove inadequate.)

4. In this connection, we wish to emphasize that the current legislative authority for disposal of assets is as follows (in order of priority):

(a) "All equipment that meets the requirements of other United Nations operations and that it is cost-effective to move shall be redeployed to such operations or held in reserve for use by future operations;

(b) Other equipment shall be transferred to United Nations organizations, as well as to national and international non-governmental organizations already operating in [mission area] or in the process of establishing a presence there, upon request and against appropriate credit to the Special Account for the United Nations [Assistance Mission to Rwanda];

(c) Any remaining material that cannot be moved shall be sold commercially on an 'as is, where is' basis in accordance with standard United Nations procedures;

(d) Assets or installations that cannot be dismantled, including airfield installations, shall be [donated] to the Government of [Rwanda];..." upon authorization of the General Assembly. (Source: A/RES/49/235 on the Financing of the United Nations Operation in Mozambique.)

5. Consequently, UNAMIR is not authorized to proceed with any disposition of assets to the Rwandan Government until a submission is made to the Controller and subsequently to the ACABQ. While your arguments and indications are fully supported here at Headquarters, we must mention that in the absence of a mandate from the General Assembly we would not be in a position to support your previous requests to transfer assets to the Government of Rwanda.

6. Accordingly, we would appreciate receiving a draft disposal plan in the format of the ONUMOZ report not later than 15 January 1996. Upon receipt this report will be reviewed, finalized and forwarded to printing for submission to the Advisory Committee in mid-February at which time we would expect a decision to be taken regarding those assets recommended by UNAMIR for outright contribution to the Government of Rwanda. In this same report it will also be necessary to present the liquidation budget for UNAMIR for the six-week period after 08 March 1996, for which we would also request your input by 15 January.

UNAMIR operations are run in Rwanda making use of an integrated structure composed of military assets, civilian assets and assets provided by contractors.

Contractors deliver essential goods and services to UNAMIR, which aims to provide assistance to the recovery and rehabilitation of Rwanda. UNAMIR contractors are in Rwanda for the sole purpose of providing goods and services to UNAMIR and they should therefore be considered by the Government as an integral part of the UNAMIR machinery for implementing the Security Council mandate.

In view of the fact that contractors do not operate permanent establishments in Rwanda and in view of the essential support they are offering to UNAMIR in the discharge of its mandate, contractors operating in Rwanda should not be requested to pay corporate taxes. In fact there is no precedent of such companies working with UN peace-keeping operations paying taxes in host countries anywhere else in the world.

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**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 19 DECEMBER 1995**

On 19 December 1995, a meeting was held between representatives from the Government of Rwanda and UNAMIR to discuss UNAMIR's future mandate and other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi
Mr. Sam Nkusi

Mr. Musoni James
Major Kamarade Kayitare

Office of the Vice-President
Ministry of Transport and
Communication
Ministry of Youth and Cooperatives
RPA Liaison Officer

UNAMIR

Ambassador Shaharyar M. Khan

Brig. Shiva Kumar
Mr. Bill Clive
Ms. Isel Rivero
Mr. Ismael Diallo

Special Representative of the
Secretary-General
Deputy Force Commander
Acting Chief Administrative Officer
Special Assistant to SRSG
Spokesman

1. SRSG opened the meeting by stating that the meetings of the Joint Commission had been valuable in clarifying the Government of Rwanda's position on the mandate. He suggested that the meetings continue over the phase-down period and be held twice a month. He informed Mr. Dusaidi that the scaling down of UNAMIR had already begun with the CIVPOL, Military Police and MILOBS. A more precise schedule would emerge in a few days' time. Taking note of UNAMIR's scaling down, Mr. Dusaidi agreed that meetings of the Joint Commission should be held fortnightly starting from Tuesday, 9 January.

2. SRSB then referred to the International Tribunal which was beginning its technical work in Kibuye during the present week. UNAMIR would be providing the security required. He assured Mr. Dusaidi that the Tribunal had been informed that as of 8 March 1996, they would have to provide their own security. The Acting Force Commander indicated that the International Tribunal would be sending out forensic experts to Kibuye from Wednesday, 20 December. He asked for cooperation from the Rwandese authorities to assist and facilitate their work. Mr. Dusaidi replied that he would be informing the appropriate authorities.

3. On the issue of equipment, SRSB stated that following Security Council guidelines UNAMIR and UN HQ were examining possibilities on how to move forward. As a separate issue, he urged Mr. Dusaidi to provide a response on the equipment list to be financed from the Trust Fund. Mr. Dusaidi replied that the Rwandan Ambassador was pursuing the matter at the United Nations. Regarding the list provided by UNAMIR he indicated that a reply to the Trust Fund list would be forthcoming shortly.

4. On the question of the SOFA, Mr. Dusaidi informed the SRSB that his colleagues were studying UNAMIR's comments and would revert to the matter as soon as they had completed their review. It was noted that the housing/administration sub-Committee had met and would continue its work in the following week.

5. SRSB then explained that a legal interpretation of UNAMIR Sub-contractors terms was expected from New York. He assured Mr. Dusaidi that delays in the discussions with the Sub-contractors was an internal United Nations technical problem and not an unwillingness to negotiate with the Government of Rwanda.

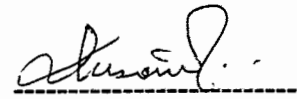
6. Mr. Nkusi reverted to the problem of UNAMIR staff which were departing the mission area and not paying their telephone bills. The SRSB replied that the Administration was in the process of finalizing a list of staff who were departing.

7. Mr. Nkusi pointed out that the equipment list provided by UNAMIR included equipment which was out of service and which needed repair. Mr. Clive, as Acting CAO, reiterated UNAMIR's position to cooperate with the Government of Rwanda in examining the reservations expressed by Mr. Nkusi at the technical working group level. He added that faulty equipment would not be placed against the Trust Fund. It was agreed that technicians from both sides would attempt to evaluate the depreciation of each item.

8. The Acting Force Commander requested that a centralized system of requests for UNAMIR engineering assistance be put in place by the Government of Rwanda. Since requests were received from different Ministries and sources, UNAMIR could not anticipate the Government's priorities. Mr. Dusaidi agreed with the request and promised to follow-up through the Liaison Officer.

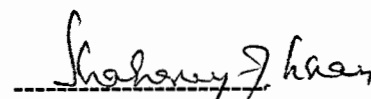
9. Mr. Nkusi informed the SRSG that the Government was adhering to the policy that all organizations operating in Rwanda needed to register their communication equipment and follow the frequency guidelines provided by the Government. In addition, NGOs leaving the country needed to declare their communication equipment prior to departure. SRSG requested Mr. Nkusi to provide him with written instructions which he would share with the Heads of UN Agencies and Programmes as well as with NGOs.

10. It was agreed that the next meeting would be held 9 January 1996.



Claude Dusaidi

Date: 5/1/95



Shaharyar M/ Khan

Date: 20-12-95

**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 12 DECEMBER 1995**

On 12 December 1995, a meeting was held between representatives from the Government of Rwanda and UNAMIR to discuss UNAMIR's mandate and other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Mr. Sam Nkusi	Ministry of Transport and Communication
Mr. Felix Bagambiki	Ministry of Foreign Affairs
Major Kamarade Kayitare	RPA Liaison Officer

UNAMIR

Ambassador Shaharyar M. Khan	Special Representative of the Secretary-General
Brig. Shiva Kumar	Deputy Force Commander
Mr. Mr. Wilfrid de Souza	Executive Director
Ms. Susan Mathew	Chief Administrative Officer
Ms. Isel Rivero	Special Assistant to SRSG
Mr. Ismael Diallo	Spokesman
Mr. Mamady Condé	Senior Political Officer

1. SRSG opened the meeting by noting that a final decision on the mandate would most likely be taken during the afternoon [12 December] by the Security Council. UNAMIR had all along been ready to implement the decision of the Security Council of which Rwanda was a member. The Secretary-General's report had clearly stated United Nations's position regarding the mandate. He added that the Sub-Committees on SOFA and Property should begin meeting as early as possible in order to finalize all pending matters prior to the holidays.
2. Mr. Dusaidi agreed that the Sub-Committees should start their work during the current week. Referring to the mandate, Mr. Dusaidi recapitulated that security was the exclusive prerogative of Rwanda and that there would be no compromise on this item. He remarked that even numbers were negotiable, but Rwanda would not compromise on the issue of security. He explained that following the Cairo Conference, and because of the views

expressed by friendly countries, the Government of Rwanda had acquiesced in UNAMIR's presence. He was certain that the problem of refugee return was not related to UNAMIR and the real reason for their not returning was that they were being held hostage by the criminals. He regretted that ten days after the conclusion of the Cairo Conference, Zaire appeared to be resiling from its decision to hand back assets which did not augur well for the implementation process.

3. Mr. Dusaidi added that though he understood that the International Tribunal needed protection, Rwanda was ready to provide it. In fact Rwanda shared the Tribunal's objective of bringing genocide criminals to justice and there was no conflict of interest. The Tribunal had known all along that UNAMIR was phasing out and should have made appropriate arrangements. Rwanda was ready to fill the gap by providing security until the Tribunal made its own arrangements.

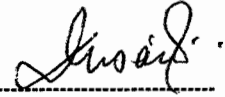
4. The SRSG recalled that UNAMIR was ready to phase out at the end of the current mandate but the international community felt that its departure might give negative signals to the refugee population. It was also the feeling of the international community that should there be forced repatriation, as in August this year, UNAMIR had the means to provide support for a massive influx. While noting Mr. Dusaidi's statement regarding security for the Tribunal, he emphasized that the International Tribunal had insisted on being protected by an international force, a principle that had been accepted by the Vice-President during his meeting with Judge Goldstone. SRSG stated that Mr. Dusaidi's views would be communicated to New York.

5. Mr. Dusaidi then referred to international contractors associated with UNAMIR who were not fulfilling their financial obligations, some had even left the country without paying their dues. He had asked the contractors to meet with the Ministry of Finance officials to sort out the problems of financial dues and taxes. SRSG explained that the contractors were under the impression that it was up to UNAMIR to meet their financial obligations vis a vis the Rwandese Government. This matter was being studied by New York. However, meetings of contractors with the Government could proceed as planned so that the issue is negotiated in a spirit of understanding and cooperation.

6. Regarding UNAMIR's equipment, Mr. Dusaidi indicated that he was aware that there was a paragraph in the draft Security Council Resolution mentioning Rwanda's request to the Secretary General. SRSG reminded Mr. Dusaidi to provide at the next meeting, the Government's views on the equipment to be acquired through the Trust Fund.

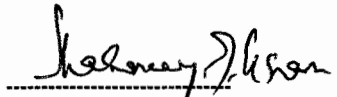
7. Mr. Nkusi then referred to the increasing number of international staff who are leaving without paying their telephone bills. He asked that a list of staff be provided in order to enable the Government to identify the officials against whom dues might be outstanding. SRSG informed him that he had issued an Administrative Instruction asking for all Staff to clear their outstanding telephone bills prior to departing.

8. Referring to the recent eviction of NGOs by the Government, Mr. Nkusi also indicated that all communication equipment leaving Rwanda would have to obtain a clearance. He also remarked that cooperation with UNAMIR staff had recently deteriorated. SRSg replied that he would look into the matter since cooperation between the Government and UNAMIR had always been positive.



Claude Dusaidi

Date: 18/12/95



Shaharyar M. Khan

Date: 16-12-95

**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 5 DECEMBER 1995**

On 5 December 1995, a meeting was held between representatives from the Government of Rwanda and UNAMIR to discuss UNAMIR's future mandate and other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi
Mr. Bagambiki Felix
Mr. Senglo Nsengumuzemyi
Major Kamarade Kayitare

Office of the Vice-President
Ministry of Foreign Affairs
Ministry of Planning
RPA Liaison Officer

UNAMIR

Ambassador Shaharyar M. Khan

Major-General Guy Tousignant
Mr. Wilfrid de Souza
Ms. Susan Mathew
Ms. Isel Rivero
Mr. Ismael Diallo

Special Representative of the
Secretary-General
Force Commander
Executive Director
Chief Administrative Officer
Special Assistant to SRSG
Spokesman

1. The SRSG opened the meeting by summarizing the Observations Chapter of the United Nations Secretary General Report to the Security Council. Specifically he drew the attention of Mr. Dusaidi to paragraphs 45 through 51. He recalled that United Nations Peace Keeping Missions were financed from assessed contributions while developmental activities were financed from voluntary contributions through the UNDP and specialized agencies.
2. SRSG also pointed out that the United Nations would respect the views expressed by Rwanda and the Security Council regarding UNAMIR. He added that the Secretary General, having stated his position in the report would respect any decisions taken by the Council.

3. Mr. Dusaidi thanked the SRSG for his introduction and views on the report. He added that the Government of Rwanda was open to receive any proposals either from the Secretary General or from the Security Council, including the extension of UNAMIR for an additional three months. His Government had already submitted its position which indicated that the modalities for UNAMIR's presence would have to be negotiated.

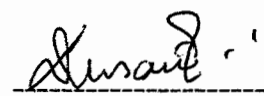
4. SRSG indicated that the United Nations was not likely to make any proposal or take any initiative. It was now up to the Security Council to discuss options with the Government of Rwanda. He added that he was ready to transmit any views that the Government of Rwanda wished to make to the Council if so requested. The SRSG added that a decision on whether the services of the CIVPOL trainers were required by the Government of Rwanda would have to be made. Otherwise the CIVPOL would leave after December 8. He added that he hoped the Council would make recommendations on the equipment issue.

5. Mr. Dusaidi took note and informed the meeting that the Security Council was holding Informal Consultations at 10:30 a.m. on 4th December.

6. The SRSG informed Mr. Dusaidi that Messrs. Ncube and Zorrilla would be the UNAMIR representatives in the discussions on SOFA. He then gave Mr. Dusaidi a letter requesting that equipment be released for shipment outside Rwanda. He added that there were three categories of equipment which should be released: a) equipment which belonged to other countries, b) APC's and c) equipment which was required by other peace keeping missions. He recalled that Mr. Dusaidi had agreed to their release.

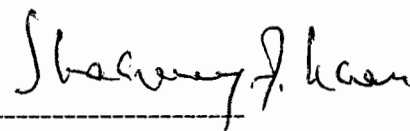
7. Mr. Dusaidi gave the SRSG a copy of the Finance Minister's report on UNAMIR's contractors. The SRSG suggested that the Government contact the contractors directly since they were not part of the United Nations. Mr. Dusaidi indicated that the Contractors were not cooperative and the Government would be hesitant in carrying out reprisals that would implicate the United Nations. There were four companies that were included in the Finance Minister's report. The SRSG promised to contact their Management in order that discussions would proceed in a cooperative manner.

8. The SRSG informed Mr. Dusaidi that the Deputy Prosecutor Judge Rakotomanana had been searched at the airport. The Judge had the same privileges and immunities that other United Nations High Officials enjoy. Mr. Dusaidi confirmed that he would look into the matter to avoid a recurrence.



Claude Dusaidi

Date: 8/12/95



Shaharyar M. Khan

Date: 6-12-95

**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 28 NOVEMBER 1995**

On 28 November 1995, a meeting was held between representatives from the Government of Rwanda and UNAMIR to discuss UNAMIR's future mandate and other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Mr. Ndazero Lazare	Ministry of Rehabilitation and Reintegration
Mr. Higiro Thaddée	Ministry of Foreign Affairs
Mr. Senglo Nsengumuzemyi	Ministry of Planning
Mr. Sam Nkusi	Ministry of Transport and Communication
Major Kamarade Kayitare	RPA Liason Officer

UNAMIR

Ambassador Shaharyar M. Khan	Special Representative of the Secretary-General
Mr. Wilfrid de Souza	Executive Director
Ms. Susan Mathew	Chief Administrative Officer
Ms. Isel Rivero	Special Assistant to the SRSG
Mr. Ismael A. Diallo	Spokesman
Mr. Mtshana Ncube	Senior Legal Officer

1. The SRSG opened the meeting by indicating that he expected to continue holding the Tuesday meetings since these were useful in expediting pending matters. He then informed Mr. Dusaidi that the Secretary General's report to the Security Council was expected to be circulated by 1 December. The report was also expected to reflect Rwanda Government's view on UNAMIR's mandate as also the views of the G-10. United Nations was ready to implement whatever decision the Council would take.

2. On the equipment issue, a reply had been received from Headquarters. Firstly, the equipment already on loan to the Government of Rwanda could be adjusted through the Trust Fund. Secondly, the United Nations considered that any equipment which

was too costly to remove, or which was not required by other peace keeping missions or United Nations agencies, would be made available to Rwanda in accordance with General Assembly Resolutions. He provided Mr. Dusaidi with a list of equipment on loan to the Government which indicated a depreciated value of US\$144,000.

3. Referring to the mandate, Mr. Dusaidi stated that the Government's decision was final and could not change. He also added that the Government of Rwanda was always prepared to consider another United Nations mission appropriate to the needs of the country. Mr. Dusaidi welcomed a partial decision on the equipment. He hoped that the General Assembly would respond favorably to Rwanda's request for equipment. He assured the SRSG of his Government's full cooperation in UNAMIR's withdrawal.

4. Mr. Dusaidi continued by saying that he had communicated to the SRSG the names of the Rwandese team which jointly with UNAMIR would look into the damages caused by rental of premises or use of infrastructure. He also wanted a speedy solution to the problem of UNAMIR's subcontractors by preventing legal actions against it, as it had occurred in Somalia.

5. Mr. Nkusi referred to the list of equipment on loan to the Government of Rwanda and stated that he thanked UNAMIR for placing a large generator on the list. However, items listed on pages 2, 3 and 4 were not separate but part of one set of communication equipment. This equipment was not operational, was antiquated and the Government of Rwanda would rather return it. He had approached UNAMIR unsuccessfully to repair the equipment. In addition, the depreciated value was too high. Mr. Nkusi underlined that the Government of Rwanda had not charged UNAMIR for the use of RwandaTel infrastructure and that these charges should offset the cost of the equipment.

6. The SRSG commented that the Government of Rwanda was not obliged to retain the equipment on the list. He welcomed comments also on non-communication equipment. However, he again clarified that any equipment transaction had to be made according to General Assembly Resolutions.

7. Mr. Nkusi pointed out that many UNAMIR staff were leaving without paying their telephone bills which, so far, amounted to over RFr. 2 million.

8. The SRSG replied that the use of Rwanda's infrastructure was regulated by SOFA. He suggested that a communication expert should be added to the names

proposed for the working group which is to review damages inflicted by UNAMIR on Rwanda's property. The suggestion was accepted. The representatives from UNAMIR would be Messrs. Lombardo, Solbek and Anglin. The SRSG also stated that administrative measures would be taken to prevent outstanding telephone bills to remain unpaid by UNAMIR staff.

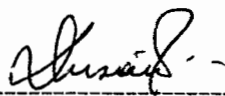
9. Ms. Mathew requested the names and copies of telephone bills from UNAMIR staff who had not honoured their commitments.

10. The SRSG then provided Mr. Dusaidi with an Aide Memoire on a pending case related to communication equipment being held at the airport. He also provided Mr. Dusaidi with a non-paper on SOFA and suggested that nominations be made for another working group to study the amendments suggested by the Government. Mr. Dusaidi indicated that he would secure the release of equipment being held at the airport.

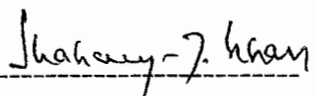
11. Mr. Nkusi explained that the reason why the equipment had been held up was due to UNAMIR's lack of explanation on its intended use. One set contained satellite hardware to boost Radio UNAMIR's transmission. The second set did not even have documentation. If UNAMIR would have provided a reasonable explanation the equipment would have been released.

12. SRSG thanked Mr. Nkusi and pointed out that the equipment intended for Radio UNAMIR had been requested as a fall back position should its transmissions not reach the camps in neighboring countries. However, since the Government of Rwanda had made transmission facilities available, the equipment had not been required. With the cooperation of the Government, this equipment could now be shipped elsewhere.

13. Before closing, the SRSG requested the assistance of the Rwandese Government in issuing visa extensions to UNAMIR staff beyond December 8. Mr. Dusaidi stated that he saw no problems in complying with this request.



Claude Dusaidi
29/Nov/95



Shaharyar M. Khan
29. November 1995

**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 20 NOVEMBER 1995**

On 20 November 1995, a meeting was held between representatives from the Rwandese Government and UNAMIR to discuss UNAMIR's future mandate and other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Dr. Emmanuel Ndahiro	Office of the Vice-President
Mr. Senglo Nsengumuzemyi	Ministry of Planning
Major Mushyo Kamanzi	Ministry of Defence
Major Kamarade Kayitare	RPA Liaison Officer
Mr. Higiro Thaddée	Ministry of Foreign Affairs
Mr. Ndazero Lazare	Ministry of Rehabilitation and Reintegration

UNAMIR

Amb. Shaharyar M. Khan	Special Representative of the Secretary-General
Maj. Gen. Guy Tousignant	Force Commander
Mr. Wilfrid de Souza	Executive Director
Ms. Susan Matthew	Chief Administrative Officer
Ms. Isel Rivero	Special Assistant to the SRSG
Mr. Ismaël A. Diallo	Spokesman
Mr. Mtshana Ncube	Senior Legal Officer
Mr. Mamady Condé	Senior Political Affairs Officer

1. The SRSG opened the meeting by offering two clarifications. First, that UNAMIR was ready to discuss the SOMA either in Kigali or in New York. Second, that the issue of equipment was not a matter to be decided at the SRSG level but at Headquarters. The Foreign Minister's letter to the Secretary General had been brought to the attention of New York Headquarters. The issue was being given urgent attention and should it be completed before 27th November, Mr. Dusaidi would be immediately informed in order to proceed with consultations.

2. Mr. Dusaidi replied that the Government was also ready to discuss the Status of Forces Agreement (SOFA). He asked SRSG to give him a paper outlining the general position of the United Nations on the Status of Forces Agreement. Regarding equipment, he had prepared a list (copy attached) enumerating the requirements of the Rwandese Government in order to facilitate UNAMIR's task,

3. The SRSG suggested that the letter to the Secretary General referred to before, should be circulated to member states. Mr. Dusaidi indicated that the Rwandan Permanent Representative to the United Nations had been instructed to circulate it among Security Council members.

4. Mr. Dusaidi then stated that the Rwandese Ambassador had been called by Mr. Riza, DPKO, to protest the impounding of UNAMIR APCs by the Rwandan Government. This was not the case, and there had obviously been a misunderstanding. The SRSG replied that he was surprised at the news. The question of APCs had already been discussed with the Government which had taken note of the fact that the equipment was owned by a particular member state who was not agreeable to the equipment being left behind. Both the Force Commander and the CAO agreed and added that only logistical problems were delaying the transport of the APCs and that there had been no disagreement by the Government. The Force Commander also mentioned that as far as the military were concerned, the only outstanding issue was the demolition of Belgian ammunition. New York had been consulted and a reply was still pending.

5. Referring to the transfer out of Rwanda of UNAMIR equipment, SRSG clarified that he would ensure that equipment under negotiation with the Rwandese Government would not be sent out while a decision on the issue was being taken. However these items that were clearly not part of the pool of equipment that could be left behind for Rwanda e.g for Angola (UNAVEM), would be trans-shipped but only after SRSG had himself signed the document. This procedure required his personal clearance to ensure that nothing was moved out of Rwanda that belonged to the pool of items under negotiation. The recent consignment of spare parts and electrical sundries was destined to UNAVEM (ANGOLA) and fell within the first priority category of equipment transfer.

6. Both the SRSG and Mr. Dusaidi agreed that a committee to review repairs and rehabilitation of facilities occupied by UNAMIR should begin its work as early as possible. In this regard, the CAO provided a summary of repairs and rehabilitation work carried out by UNAMIR, to date.

7. Mr. Dusaidi then explained that the UNAMIR's future mandate had been discussed by Rwandan authorities at the highest level. They had authorized him to convey the Rwandan Government's reactions. Mr. Dusaidi continued explaining that when renewing UNAMIR's mandate on 9th June, it had been made very clear that UNAMIR would phase out after the current mandate. In the interim period, the Rwandan Government saw no serious reason to revise its earlier decision. Accordingly, when the mandate was completed on December 8, UNAMIR should phase out.

8. Mr. Dusaidi also stated that in Rwanda's view if the United Nations still had a role to play in the country, it was in the practical field of providing Rwanda the support to bridge the gap created by last year's events in the form of technology, rehabilitation, doctors, agricultural experts, technicians, etc. As these activities could not be part of UNAMIR, it was best for it to close down after December 8.

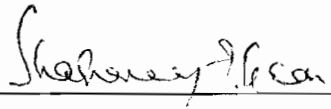
9. The SRSG thanked Mr. Dusaidi for a concise clarification and indicated that these views would be conveyed to New York Headquarters.

10. Mr. Dusaidi then stated that he wished to put on record the Government's appreciation for the sacrifices and contributions that UNAMIR personnel had made during their tenure in Rwanda. He said that their efforts, often made in difficult conditions, had contributed significantly to Rwanda's reconstruction.

11. The Force Commander added that he had two points to make. First he was thankful to the Government of Rwanda for the words of appreciation. Soldiers were not always aware of the political aspects of their work, and it would give them enormous satisfaction to receive recognition for job well done. Second, he wished to inform the meeting that the withdrawal of UNAMIR would take from 71 to 97 days.

12. Mr. Dusaidi assured the Force Commander of his Government's full cooperation.

Claude Dusaidi



Shaharyar M. Khan

**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 14 NOVEMBER 1995**

On 14 November 1995, a meeting was held between representatives from the Rwandese Government and UNAMIR to discuss UNAMIR's future mandate and other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi
Mr. Higiyo Thaddée
Mr. Senglo Nsengumuzemyi
Maj. Kamarade Kayitare

Office of the Vice-President
Ministry of Foreign Affairs
Ministry of Planning
RPA Liaison Officer

UNAMIR

Amb. Shaharyar M. Khan

Col. Shiva Kumar
Ms. Elizabeth Lindenmayer
Mr. Wilfrid de Souza
Ms. Susan Mathew
Ms. Isel Rivero
Mr. Mtshana Ncube
Mr. Ismael Diallo
Mr. Mamady Condé

Special Representative of the
Secretary-General
Chief of Staff
Principal Officer, DPKO
Executive Director
Chief Administrative Officer
Special Assistant to SRSG
Senior Legal Officer
Spokesman
Senior Political Affairs Officer

1. The SRSG introduced Ms. Elizabeth Lindenmayer, Principal Officer, DPKO, on mission to Rwanda. The SRSG then referred to the previous meeting and indicated that, at the request of Mr. Dusaidi, he had prepared a non-paper which summarized the points raised by the G-10 and UN Specialized Agencies regarding UNAMIR's Mandate and which had been subject of discussions at the last meeting.
2. Regarding the list of UNAMIR disposable equipment, the SRSG informed Mr. Dusaidi that UN Headquarters had responded that it would be ready by 27 November.
3. Mr. Dusaidi indicated that he would refer the non-paper to higher authorities and that he would provide the SRSG with his Government's views on the Mandate at the forthcoming meeting.

4. Mr. Dusaidi regretted that the United Nations was not able to finalize the equipment list earlier. He informed the SRSg that the Rwandese Foreign Minister had written a letter to the Secretary-General requesting the transfer of UNAMIR equipment and material to the Rwandese Government. Mr. Dusaidi then added that Rwanda would not be expected to give its response on the UNAMIR's Mandate while the United Nations was delaying its response on the equipment list. He said the two issues went hand-in-hand.

5. Mr. Dusaidi then reiterated his views concerning UNAMIR protection of UN bodies and agencies in Rwanda which could be provided by private services and/or Rwandese Security Forces. He repeated that it was insulting to Rwanda to suggest that it could not handle the security of foreign representatives. He could not accept the 1,800 as a critical mass as if it were a magic number. The truth was that during the genocide the United Nations had reduced its force to 210. Mr. Dusaidi expressed the views that Rwanda needed the rehabilitation of its infrastructure and that it was necessary to have a clear picture of how it was being done. However, in the short-term, he wished to know how the facilities occupied by UNAMIR would be repaired. He suggested that joint visits be undertaken to these sites in order to arrive at a clearer idea on the magnitude of the work to be done prior to UNAMIR's departure.

6. Regarding the rehabilitation of Rwanda's infrastructure and repair of facilities occupied by UNAMIR, SRSg stated that UNAMIR would repair the damage it had caused, due to its own possession of buildings but could not assume for damage caused by the conflict. UNAMIR had undertaken repairs of damaged bridges, roads and even undertaken some demining activities.

7. The CAO enumerated the numerous initiatives taken by UNAMIR in the repair of general infrastructure of Rwanda such as at the Kanombe International Airport where maintenance costs added up to \$23,000 a month. Repairs to the Amahoro stadium, Gikongoro communal offices, Kigali Hospital, Police and Gendarmerie Training Schools, Military Academy, Butare School for Demobilized Children, Tea factory, Amahoro hotel, in addition to the loans of 12 generators, amounted to approximately over a million dollars. There were many other items which were not quantifiable such as disposal of ammunition and explosives, demining, repairs of bridges, roads and helicopters landing pads, construction of septic tanks and their servicing, and finally providing food for two orphanages.

8. The SRSg then turned to the issue of UNAMIR contractors such as Economat and Brown and Root. He clarified that items imported for the use of UNAMIR by the contractors were privileged and tax-exempt. Privileges and immunities were not otherwise extended to these companies. SRSg suggested that meetings be held with the management of those companies at which UNAMIR could attend as observer in order to ascertain their taxation liability. The CAO added that a final legal opinion had been

requested from the United Nations Legal Counsel on the responsibility of contractors under the SOMA. Mr. Dusaidi replied that the Ministry of Finance had been instructed to examine Rwandese Tax Law and its application to international contractors.

9. Mr. Dusaidi then explained how he visualized UNAMIR's role in Rwanda. He said that the term "assistance mission" was particularly important for Rwanda. Tracing the significance of the term he said that the word was accepted after a careful and deliberate consideration. It referred to the need for United Nations to assist in the implementation of the Arusha process which meant financial support for the rehabilitation of refugees, a united army, demining, etc.. The genocide had led to an even greater need for United Nations to assist Rwanda in repairing the shattered infrastructure and helping Rwanda to recover from last year's crisis. In this regard, the Assistance Mission would have to change its Mandate from a peace-keeping role to a civilian role. Rwanda needed material assistance. UNAMIR could not walk out and leave behind a shattered nation. The United Nations had a moral responsibility to provide the country with the equipment it needs to stand on its feet. A level of flexibility in the application of UN rules had to be exercised. Rwanda required special measures. In fact, the world had a responsibility to rebuild Rwanda having stood still during the genocide. Mr. Dusaidi went on to say that Rwanda was examining the feasibility of legal responsibility.

10. The SRSB thanked Mr. Dusaidi for providing the historical context and his own rationalization for the concept of Assistance Mission. He suggested that these views should be raised in the Security Council.

11. Maj. Kamarade interjected that Rwanda needed technology, experts, heavy machinery to improve production. Rwanda needed to achieve food security in order to be able to receive the refugees. Spoon-feeding did not help as people became used to hand-outs. The need for self-sufficiency needed to be included in the Mandate.

12. Mr. Dusaidi agreed that the future mandate needed to reflect these objectives.

13. SRSB indicated that while he understood Rwanda's reasoning, the United Nations had to be understood as a compartmentalized bureaucracy. Peace-keeping did not encompass economic development which was a role played by UNDP and the specialized agencies.

14. Ms. Elizabeth Lindenmayer then added that she would transmit the comments made by Mr. Dusaidi to her superiors in New York. She explained that at the United Nations everyone shared the same eagerness to assist Rwanda, but that it needed to recall that UNAMIR had never ceased to be a Chapter VI Operation and that it did not have a peace-enforcement Mandate under Chapter VII. Regarding the future, she suggested that the

Rwandese Ambassador should clarify Rwanda's position in the Security Council as there was not much time left till the 8 December. At the moment the United Nations did not have the proper instruments to respond to post conflict needs. The requirements indicated by Mr. Dusaidi belonged to unchartered territory which fell outside traditional peace-keeping and peace-making.

15. In the opinion of Mr. Senglo Nsengumuzemyi, the international community should treat Rwanda as a special case and therefore UNAMIR should convert itself into a civilian mission. The Force Commander remarked that it was clear by the remarks made that a concept for a new mission was emerging which fell outside traditional peace-keeping. Mr. Dusaidi agreed that what was needed was a mission with a radically different concept.

16. Mr. Nsengumuzemyi then enquired about United Nations Financial Regulations and Procedures as related to the United Nations Budget. More particularly, he wished to know the mechanisms used by Trust Funds in purchasing equipment.

17. Ms. Lindenmayer provided an extensive reply which included explaining the differences between United Nations Regular Budget and voluntary contributions, the creation of Trust Funds for particular projects and peace-keeping, assessed contributions.

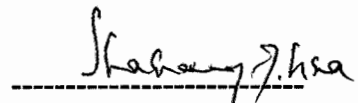
18. Mr. Dusaidi closed the meeting by stating that Rwanda was responsible for rebuilding itself. The Government wanted to be assisted in the priorities it had identified. Sometimes, donor countries and NGOs acted on their own priorities even without consulting the Government.

19. It was decided that the next meeting would be held on **Monday, 20 November** instead of Tuesday, 21 November.



Mr. Claude Dusaidi

Date: 17/11/95



Mr. Shaharyar M. Khan

Date:

ROUTING SLIP

FICHE DE TRANSMISSION

TO:

A: Ms. Rafii

FROM:

DE: Wilfrid de Souza

Room No. - No de bureau

Extension - Poste

Date

13/11/95

FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION	X	POUR INFORMATION

"Since SOMA is to be discussed
in New York, let us leave
it there for the **present**."

S.M.K.

Central

DATE: 6 November 1995

REFERENCE

S/C HT

Deputy
al,
[Signature]

UNAMIR-Proposed amendments by the Government of Rwanda
to the SOFA

11

3. However, the suggestion made by Mr. Khan might have some political merit and as such, would, subject to your views, fall within the scope of his prerogatives.

Reçu le 13 NOV. 1995

**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 7 NOVEMBER 1995**

In attendance:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Mr. Higiro Thaddee	Ministry of Foreign Affairs
Maj. Kamarade Kayitare	RPA Liaison Officer

UNAMIR

Mr. Shaharyar M. Khan	Special Representative of the Secretary General
Mr. Wilfrid de Souza	Executive Director
Ms. Susan Matthew	Chief Administrative Officer
Ms. Isel Rivero	Special Assistant to SRSG
Col. W. J. Fletcher	Chief of Operations
Mr. Mtshana Nkuba	Senior Legal Officer
Mr. Mamady Conde	Senior Political Affairs Officer

1. The SRSG recalled that, at the last meeting, the Government of Rwanda's position was that after the conclusion of the current mandate, UNAMIR would phase-out and that any changes in this understanding should be proposed by the United Nations and the International Community with convincing rationalisation. In the meantime, the SRSG said, a meeting had been held on Thursday, 2 November in New York attended by the G-10, "interested" countries (i.e. donor and troop contributing countries) to discuss UNAMIR's future mandate at which a consensus had emerged. The SRSG added that in conveying this consensus view, he wished to underline that he was not expressing the opinion of the United Nations on the subject but of the G-10 group of countries. The SRSG added that United Nations Agency Representatives, also meeting in New York, had expressed similar views as adopted by the G-10.

2. The consensus view was that, in the next mandate, UNAMIR's present status quo should be maintained. There should be no reduction in formed troops, milobs, civpol and the civilian support staff. The G-10 group of countries agreed that 1,800 represented a minimum "critical mass" of formed troops.

3. Citing the reasons for the consensus position, the SRSG stated that the predominant factor related to the safe and secure return of 1.5 million refugees. The next few months were seen as critical in persuading the refugees to return home voluntarily because of the ultimatum given by Zaire

and Tanzania. During this critical period, it was felt that UNAMIR could play a positive role in practical terms as well as in helping to provide stability and confidence building measures that would encourage voluntary return. The SRSG gave examples such as the effective and successful cooperation between UNAMIR and the Government during the forced repatriation of 15,000 Rwandese refugees in August 1995 which had been processed smoothly and efficiently. He also referred to the re-settlement of nearly 1 million IDPS between September 1994 and April 1995 again through effective cooperation between the United Nations and the Government.

4. The SRSG further stated that all neighboring countries and UNHCR were currently engaged in a supreme effort to persuade the refugees to return hom voluntarily. For UNAMIR to walk away at such critical phase would send negative signals to the camps and even to the host countries who could use the withdrawal as an excuse to revert to forced return. The SRSG added that there was no guarantee of success for the return of refugees but it was necessary for all parties concerned to do their utmost to achieve lift-off for voluntary repatriation. In the event of forced repatriation which could lead to a massive influx of refugees, UNAMIR could play a positive role in resettling the returning refugees.

5. Protection of the International Tribunal personnel, the SRSG indicated, was an ancillary responsibility that UNAMIR had undertaken as part of its mandate; however, protection of the Tribunal could not serve as the *raison d'être* for a UNAMIR's presence in Rwanda.

6. As regards the issue of UNAMIR continuing its mandate with a reduced number of formed troops, the SRSG explained that by reducing the number from the current strength of 1,800 would mean that UNAMIR would not be able to perform the essential task of building confidence and stability for returning refugees in the prefectures. UNAMIR would be obliged to withdraw to Kigali and appear essentially to protect itself which was not the role or image that UNAMIR wanted to project. Moreover, a figure below 1,800 would mean that the military contingent would cease to be an operational unit and the practical advantages of having engineering, logistic and communication units would be severely undermined. Accordingly, 1,800 formed troops was seen as the minimum critical mass for the military contingent.

7. The SRSG underlined that should the Government of Rwanda agree to the extension of UNAMIR, the mandate would need to be revised so that UNAMIR military contingent was given relevant and meaningful tasks to perform.

8. The SRSG concluded by saying that the SOMA needed to be finalised because the amendments suggested by the Government of Rwanda indicated a reluctance to allow UNAMIR to continue after 8th December.

9. Mr. Dusaidi responded by stating that he had taken note of the points made by the SRSG and would transmit them to higher authorities. He would then convey their reaction as his Government's considered views on the issue.

10. Making a personal comment based on knowledge of his Government's existing policy, Mr. Dusaidi expressed scepticism about the refugees returning in 6 months. He was not optimistic about their return in 6 months because the issue was complex with many parties and countries pulling in contradictory directions. He did not visualize a return of refugees for one or two years. Rwanda was participating in Tripartite Agreements to ensure the safe and secure conditions for refugee return. President Mobutu's recent statement had also influenced the issue and Rwanda was prepared to cooperate with Zaire, Tanzania, UNHCR and all United Nations agencies to facilitate the voluntary return of refugees. Mr. Dusaidi was of the opinion that UNAMIR's presence should not be related to the refugee situation and should not serve as a basis for its continuation.

11. The SRSG interjected to clarify that the consensus view was not that UNAMIR should continue indefinitely until the return of the last refugee. On the contrary, their recommendation was related to the immediate future in the context of regional states, UNHCR and the international community making a supreme effort for a voluntary return of refugees to gather momentum. There was no guarantee of success but all those who supported this objective needed to maximise their efforts within the short time-frame of about 6 months. UNAMIR's role was seen in this limited time-frame.

12. Mr. Dusaidi then referred to the issue of security and protection which he felt was the exclusive responsibility of a sovereign state. Rwanda was now capable of providing security and protection to United Nations agencies, diplomats, etc., including the Tribunal. Therefore, the insistence on UNAMIR providing protection to the Tribunal could even be seen as a slight against the Government's capability to provide security and protection. He added that Rwanda, the Tribunal and Human Rights Agencies share the same responsibility of investigating genocide and therefore it was in the Government's interest to provide security for these agencies.

13. The SRSG stated that UNAMIR was providing security to the Tribunal as part of its mandate. However, this was an ancillary role for UNAMIR as part of its overall mandate and the security of the Tribunal or of any other United Nations Agencies could not be the sole justification for its presence in Rwanda. It was understood that the Government of Rwanda was responsible for providing security to all diplomatic and United Nations missions. However, the Tribunal's insistence on United Nations or Third Party security related to the need for transparency and justice appearing to be done. It was not a reflection on the Government of Rwanda's capability to provide security. Judge Goldstone would elaborate on these principles himself on his next visit the 23 of November.

14. Mr. Dusaidi then referred to the finalisation of the SOMA and indicated that he was waiting to receive his Ambassador's comments from New York.

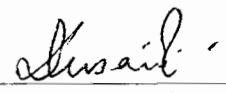
15. Under other business, Mr. Dusaidi raised the following issues:

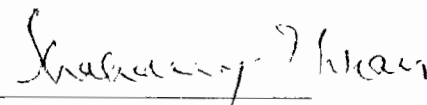
- (a) UNAMIR assets and list of disposable equipment;
- (b) Payment for repairs to installations used by UNAMIR;
- (c) Rwanda's request for unclassified material to be left behind by UNAMIR (e.g. maps, data bases, etc.);
- (d) The status of contracting companies and their financial obligations such as Brown and Root and Economat;
- (e) Information on UNAMIR local employees.

16. The SRSG replied that he would ask Ms. Matthew, the CAO, to respond to these enquiries in detail at the next meeting.

17. In conclusion Mr. Dusaidi asked the SRSG if he would give the points stated on the mandate in writing. The SRSG said that he would do so in a non-paper.

18. The SRSG also informed Mr. Dusaidi that the International Commission of Inquiry into Arms Flow would be arriving in Kigali on Wednesday, 8th November. He also reminded Mr. Dusaidi that no news had so far been received regarding the case of Mr. Mugabo Manase.


Mr. Claude Dusaidi
Date: 13-11-95


Mr. Shaharyar M. Khan
Date: 13-11-95



**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 1 NOVEMBER 1995**

1. On 1 November 1995, a meeting was held between representatives from the Rwandese Government and UNAMIR to discuss UNAMIR's future mandate and other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Mr. Higiyo Thaddée	Ministry of Foreign Affairs
Mr. Sam Nkusi	Ministry of Transport and Communications
Mr. Mushyo Kamanzi	Ministry of Defence
Lt. Karenzi Karake	Ministry of Defence
Maj. Kamarade Kayitare	RPA Liaison Officer

UNAMIR

Mr. Shaharyar M. Khan	Special Representative of the Secretary-General
Mr. Wilfrid de Souza	Executive Director
Ms. Susan Matthew	Chief Administrative Officer
Col. David Kattah	Deputy Chief of Staff - Operations
Mr. Mamady Condé	Senior Political Affairs Officer
Ms. Isel Rivero	Special Assistant to the SRSG
Ms. Ladan M. Rafii	Political/Legal Officer

2. The SRSG began the meeting by reviewing issues related to UNAMIR's mandate. He stated that when the current mandate expires on 8 December 1995, UNAMIR was prepared to phase out completely unless indications were received to the contrary, and that UNAMIR was not in Rwanda to perpetrate its presence within the country. He added that in the absence of any agreement, UNAMIR was ready to withdraw and, in fact, the latest indications from New York were that it should be prepared to withdraw after the termination of its current mandate. In the mean time, he stated that it was up to the Security Council and the Government of Rwanda to define the terms of UNAMIR's future mandate. The SRSG emphasized that although UNAMIR was, in conjunction with the Rwandese Government, providing security to United Nations agencies operating in Rwanda, this should be regarded as only an incidental task and not UNAMIR's main role. He stated that he could not envisage the Security Council or the United Nations agreeing to maintain a force in Rwanda solely for the purposes of protecting United Nations staff and installations.

3. With regard to the assistance part of the mission, the SRSG mentioned that what the the Rwandese Government was seeking from UNAMIR was understandable, but he explained that UNAMIR was essentially conceived of as a peace-keeping operation. The assistance portion of UNAMIR's mandate would normally be undertaken by other United Nations agencies operating in Rwanda whose functions were purely civilian in nature.

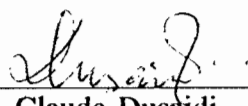
He stated that he would appreciate an indication from the Government of its envisaged role for UNAMIR beyond 8 December. With respect to the list of all UNAMIR equipment, he expected a response on the matter to be shortly received from United Nations Headquarters in New York (UNNY) indicating the items to be disposed of in Rwanda according to accepted rules and regulations and those to be transferred to other peace-keeping operations.

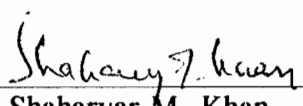
4. In response, Mr. Dusaidi stated that Rwanda's leadership had not yet decided on its policy regarding UNAMIR's mandate. However, in his Government's view, it was clear under the terms of UNAMIR's present mandate that it would end in December. He added that the onus was on the United Nations to inform the Rwandese Government of the need to change the present assumption. The United Nations would be expected to give reasons for continuing the mandate or for altering it. He agreed with the SRSG that it was unacceptable to many members of the United Nations to allow UNAMIR to remain in Rwanda for the sole purpose of protecting United Nations agencies. He insisted that he still viewed UNAMIR's role as being that of an assistance mission, in addition to the security aspects of its mandate. As regards the requirement, he explained that this request was being made as a matter of principle and not for purposes of hastening UNAMIR's departure from Rwanda. He added that in the absence of a list of UNAMIR equipment, his Government was willing to assist the United Nations by providing a list of its requirements, so that it would not be offered equipment it did not need. In this respect, he stated that his Government would make a request to the Secretary-General and members of the Security Council that some of the United Nations rules be adjusted to meet Rwanda's needs.

5. The SRSG assured the Government representatives that he would convey the message given to New York and that every effort would be made to assist Rwanda's genuine requirements. He added that it appeared there was a common understanding between the United Nations and the Rwandese Government that UNAMIR's mandate would end on the 8 December, but that the Security Council's position had yet to be clarified. The SRSG and Mr. Dusaidi both agreed that it was now up to the Security Council to take the initiative on the issue.

6. The SRSG also expressed his concern over certain instances whereby the Rwandese authorities had been overly zealous vis à vis UNAMIR staff in their efforts to maintain internal security (such as at road barriers near UNAMIR compounds and at the airport). Mr. Dusaidi assured the SRSG that this appeared to be a purely administrative problem and that he would look into the matter.

7. Mr. Dusaidi ended the meeting by inquiring about the modifications to the Status of Mission Agreement (SOMA) proposed by the Rwandese Government. The SRSG responded that there did not appear to be much point in negotiating a new agreement if UNAMIR's mandate would be ending soon, and that some concerns had been raised in UNNY regarding the modifications proposed, but that a final decision had yet to be made. Mr. Dusaidi added that negotiations on the SOMA would be taken up in New York.


Mr. Claude Dusaidi
Date: 7/11/95


Mr. Shaharyar M. Khan
Date: 3-11-95



**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 17 OCTOBER 1995**

1. On 17 October 1995, a meeting was held between representatives from the Rwandese Government and UNAMIR to discuss various aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Dr. Emmanuel Ndahiro	Office of the Vice-President
Mr. Mushyo Kamanzi	Ministry of Defence
Mr. Higiyo Thaddée	Ministry of Foreign Affairs
Mr. Jean-Marie Byakweli	Ministry of Rehabilitation and Social Integration
Mr. Senglo Nsengumuzemyi	Ministry of Planning
Mr. Gérard Rutagengwa	Ministry of Planning
Maj. Kamarade Kayitare	RPA Liaison Officer

UNAMIR

Mr. Shaharyar M. Khan	Special Representative of the Secretary-General
Maj. Gen. Guy Tousignant	Force Commander
Mr. Wilfrid de Souza	Executive Director
Ms. Susan Matthew	Chief Administrative Officer
Col. Shiva Kumar	Chief of Staff
Ms. Isel Rivero	Special Assistant to the SRSG
Mr. Mtshana Ncube	Administrative/Legal Officer
Ms. Ladan M. Rafii	Political/Legal Officer

2. The SRSG began the meeting by informing the Rwandese Government representatives that UNAMIR had completed and sent to United Nations Headquarters in New York (UNNY) a survey of all its equipment available in Rwanda classified according to particular categories. He stated that it was up to officials at UNNY to decide which items would be needed for future peace-keeping operations and which would be available for disposal at the end of UNAMIR's mandate. The SRSG further added that UNAMIR eagerly awaited the Rwandese Government's response regarding certain basic issues concerning UNAMIR's mandate, and gave assurances that a decision would not be made without input from the Security Council and the Rwandese Government. He also mentioned that the Permanent Representative of Germany to the Security Council had proposed a Presidential Statement which would serve as an indicator of UNAMIR's future mandate and presence in Rwanda.

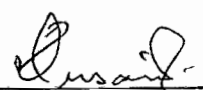
3. Mr. Dusaidi agreed that the question of UNAMIR's future mandate was for the Security Council to decide and stated that he could not comment more on this issue. He expressed an interest in seeing the catalogue of goods prepared by UNAMIR in order to determine what would be of use to his Government. He added that he would later go into greater detail regarding UNAMIR's assistance role and what the United Nations could do to assist Rwanda in its rehabilitation and reconstruction efforts.

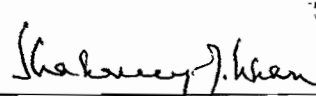
4. On the question of UNAMIR's mandate, the SRSG stated that he would like to make certain clarifications. He explained that there had been rumours at UNNY that due to the financial crisis being experienced by the United Nations, the Secretary-General would be compelled to propose to the Security Council measures to be taken with regard to UNAMIR's mandate. Although the SRSG acknowledged that the Secretary-General had indeed been considering the adoption of certain measures, it had been decided at high levels in UNNY not to take any precipitate measures in this regard. As a result, the future mandate of UNAMIR would be decided between the Security Council and the Government of Rwanda in the usual manner without regard to financial constraints.

5. With regard to the disposal of UNAMIR's equipment, the SRSG proposed that the matter should be raised with high-level officials in UNNY by the Permanent Representative of Rwanda to the United Nations, as well as by the President of Rwanda during the course of his forthcoming visit to New York to participate in the fiftieth anniversary celebrations of the United Nations. The SRSG stated that due to the necessity of observing regulations governing the disposal of equipment used by United Nations peace-keeping missions throughout the world, a decision at a high level would be required to change existing procedures. He explained that those items perceived as being required for future operations would be stored or sent to another mission; those considered too expensive to be transported, redundant or of little remaining use could be left behind, in which case each item would be valued with United Nations agencies operating in Rwanda being given priority over the Government of Rwanda for purposes of distribution. He added that he fully understood the Government's need for United Nations assistance and its interpretation of an "assistance mission". The SRSG stated that he was urging a response from UNNY on the matter as quickly as possible.

6. Regarding the Status of Mission Agreement, Mr. Dusaidi inquired as to when the legal subcommittee would be established to discuss the modifications proposed by the Rwandese Government. The SRSG replied that a UNAMIR subcommittee had already been set up, and if the Government could provide the names of members of its own subcommittee, discussions on the matter could begin the same week.

7. The meeting ended with Mr. Dusaidi inquiring when his Government could have access to the list of UNAMIR equipment discussed, to which the SRSG replied that the list may be made available by the following week.


Mr. Claude Dusaidi
Date: 20/10/95


Mr. Shaharyar M. Khan
Date: 19.10.95



Bureau du Porte-parole

**LE CONSEIL DE SECURITE MODIFIE ET RENOUVELLE LE MANDAT
DE LA MINUAR JUSQU'AU 8 DECEMBRE 1995**

Résolution 997 (1995) adoptée à l'unanimité, le 9 juin 1995

Texte de la résolution

Le Conseil de sécurité,

Rappelant toutes ses résolutions précédentes sur la situation au Rwanda, en particulier sa résolution 872 (1993) du 5 octobre 1993, par laquelle il a créé la Mission des Nations Unies pour l'assistance au Rwanda (MINUAR), et ses résolutions 912 (1994) du 21 avril 1994, 918 (1994) du 17 mai 1994, 925 (1994) du 8 juin 1994 et 965 (1994) du 30 novembre 1994, qui énoncent le mandat de la MINUAR,

Ayant examiné le rapport du Secrétaire général sur la MINUAR en date du 4 juin 1995 (S/1995/457),

Rappelant aussi sa résolution 955 (1994) du 8 novembre 1994, portant création du Tribunal international pour le Rwanda, et sa résolution 978 (1995) du 27 février 1995, concernant la nécessité d'arrêter les personnes soupçonnées de certains crimes au Rwanda,

Soulignant qu'il importe de parvenir à une réconciliation authentique de tous les membres de la société rwandaise dans le cadre de l'Accord de paix d'Arusha,

Prenant note avec une vive préoccupation d'informations selon lesquelles des éléments de l'ancien régime mèneraient des préparatifs militaires et feraient des incursions de plus en plus fréquentes au Rwanda et soulignant la nécessité de prendre des mesures efficaces pour que les Rwandais se trouvant actuellement dans des pays voisins, y compris ceux qui sont dans des camps, n'entreprennent pas d'activités militaires destinées à déstabiliser le Rwanda et ne reçoivent pas d'armements, étant donné qu'il est fort probable que ces armements seraient destinés à être utilisés au Rwanda,

Soulignant que des efforts accrus sont indispensables pour aider le Gouvernement rwandais à instaurer un climat de stabilité et de confiance propre à faciliter le retour des réfugiés rwandais se trouvant dans des pays voisins,

Soulignant aussi qu'il est nécessaire d'accélérer le versement de l'aide internationale pour le relèvement et la reconstruction du Rwanda,

Demandant de nouveau à tous les États d'appliquer les recommandations adoptées par la Conférence régionale sur l'assistance aux réfugiés, rapatriés et personnes déplacées dans la région des Grands Lacs, tenue à Bujumbura en février 1995,

Mesurant l'utilité du concours que les spécialistes des droits de l'homme déployés au Rwanda par le Haut Commissaire aux droits de l'homme ont apporté en vue de l'amélioration de la situation générale,

Considérant qu'il incombe au Gouvernement rwandais d'assurer la protection et la sécurité de l'ensemble du personnel de la MINUAR et des autres membres du personnel international servant au Rwanda,

Réaffirmant qu'il est nécessaire de régler à long terme les problèmes de réfugiés et problèmes connexes dans les États des Grands Lacs et notant avec satisfaction, par conséquent, que le Secrétaire général a l'intention de nommer un Envoyé spécial chargé de procéder à des consultations concernant la préparation et la convocation, dans les plus brefs délais, de la Conférence régionale sur la sécurité, la stabilité et le développement,

1. Décide de proroger le mandat de la MINUAR jusqu'au 8 décembre 1995 et autorise une réduction des effectifs, qui seront ramenés à 2 330 soldats trois mois après l'adoption de la présente résolution et à 1 800 soldats un mois plus tard;

2. Décide de maintenir à son niveau actuel l'effectif des observateurs militaires et du personnel de la police civile;

3. Décide, compte tenu de la situation actuelle au Rwanda, de modifier le mandat de la MINUAR en lui assignant les fonctions suivantes:

a) User de ses bons offices pour faciliter la réconciliation nationale dans le cadre de l'Accord de paix d'Arusha;

b) Aider le Gouvernement rwandais à faciliter le retour librement consenti des réfugiés, en toute sécurité, ainsi que leur réinsertion dans leur milieu d'origine, et, à cette fin, appuyer les efforts faits par le Gouvernement rwandais pour instaurer un climat de stabilité et de confiance, grâce à des activités de surveillance menées dans l'ensemble du pays par des observateurs militaires et des observateurs de police;

c) Faciliter l'aide humanitaire, ainsi que la fourniture d'une assistance et de services spécialisés en matière de génie civil, de logistique, de santé publique et de déminage;

d) Aider à l'instruction d'une force de police nationale;

e) Contribuer à assurer la sécurité, au Rwanda, du personnel et des locaux des organismes des Nations Unies, du Tribunal international pour le Rwanda, notamment en assurant en permanence la protection du Bureau du Procureur, ainsi que des spécialistes des droits de l'homme, et contribuer également, si besoin est, à assurer la sécurité des organismes humanitaires;

4. Souligne que les restrictions imposées par la résolution 918 (1994) en vertu du Chapitre VII de la Charte des Nations Unies s'appliquent à la vente ou la livraison des armements et des matériels qui y sont spécifiés à des personnes se trouvant dans des États voisins, si ces armements ou ces matériels sont destinés à être utilisés au Rwanda;

5. Demande aux États voisins du Rwanda, de façon à éliminer des facteurs contribuant à la déstabilisation de ce pays, de prendre des mesures pour veiller à ce que ces armements et ces matériels ne soient pas fournis aux camps de réfugiés rwandais se trouvant sur leur territoire;

6. Prie le Secrétaire général de tenir des consultations avec les gouvernements de pays voisins concernant la possibilité de déployer des observateurs militaires des Nations Unies, et de consulter en priorité le Gouvernement zaïrois concernant le déploiement d'observateurs, y compris dans les aéroports situés dans l'est du Zaïre, afin de contrôler la vente ou la livraison d'armements et de matériels susmentionnés; prie aussi le Secrétaire général de lui faire rapport sur cette question un mois au plus tard après l'adoption de la présente résolution;

7. Prend note de la coopération existant entre le Gouvernement rwandais et la MINUAR aux fins de l'accomplissement de son mandat, et prie instamment le Gouvernement rwandais et la MINUAR de continuer à mettre en oeuvre les accords conclus entre eux, en particulier l'Accord sur le statut de la Mission, en date du 5 novembre 1993, ou tout accord qu'ils pourraient conclure ultérieurement pour remplacer cet Accord en vue de faciliter la mise en oeuvre du nouveau mandat;

8. Rend hommage aux États, aux organismes des Nations Unies et aux organisations non gouvernementales qui ont fourni une aide humanitaire aux réfugiés et aux personnes déplacées qui étaient dans le besoin, les encourage à persévérer et demande au Gouvernement rwandais de continuer à faciliter l'acheminement et la distribution des secours;

9. Demande aux États et aux organismes donateurs d'honorer l'engagement qu'ils ont pris d'apporter une aide au relèvement du Rwanda, d'accroître l'aide qu'ils apportent déjà à cette fin et, en particulier, de favoriser la mise en place à bref délai et le fonctionnement efficace du Tribunal international ainsi que le rétablissement de l'appareil judiciaire rwandais;

10. Encourage le Secrétaire général et son Représentant spécial à continuer de coordonner les activités des Nations Unies au Rwanda, dont celles des organisations et organismes qui s'occupent de questions humanitaires et de développement, ainsi que celles des spécialistes des droits de l'homme;

11. Prie le Secrétaire général de lui présenter d'ici au 9 août 1995, puis le 9 octobre 1995 au plus tard, un rapport sur la manière dont la MINUAR s'acquitte de son mandat, sur

la situation humanitaire au Rwanda et sur les progrès réalisés en ce qui concerne le rapatriement des réfugiés;

12. Décide de rester activement saisi de la question.

NB

- La MINUAR a été, à l'origine, établie par la résolution 872 (1993) du 5 octobre 1993. La résolution 918 (1994) a étendu le mandat de la Mission pour inclure la responsabilité de la sécurité des civils et de l'opération humanitaire; elle a augmenté sa force à hauteur de 5,500 soldats et a imposé un embargo sur les armes au Rwanda.
- Dans son acte de ce jour, le Conseil a affirmé que les restrictions du chapitre VII imposées par sa résolution 918 (1994) s'appliquent à la vente ou la livraison des armements et des matériels à des personnes dans les États voisins du Rwanda, si ces armements et matériels sont destinés à être utilisés au Rwanda. Le Conseil a lancé un appel aux États voisins du Rwanda pour qu'ils prennent des mesures afin de veiller à ce que ces armements et ces matériels ne soient pas transférés dans des camps Rwandais situés sur leur territoire.

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- Dans une déclaration au Conseil, le Représentant du Zaïre, a demandé une enquête indépendante pour réfuter les allégations selon lesquelles son pays était impliqué dans la vente et la livraison des armements destinés à être utilisés au Rwanda. Il a déclaré qu'il revenait au Gouvernement du Rwanda de créer un climat favorable au retour des réfugiés.
- Le Représentant du Rwanda, prenant la parole après le vote, en a appelé à la fin de l'embargo sur les armes contre son Gouvernement et a demandé l'établissement d'une commission internationale chargée d'examiner le problème des camps de réfugiés. Il a ajouté que les modifications dans le mandat de la MINUAR reflétaient l'évolution de la situation dans son pays.

I would like Diego 2. a Latin
to look at the "alone" to HQ. Once you have
seen and amended, we would share with
rest of Legal Committee. We would then send
it back as our considered **SOMA**
view. Hopefully it will prompt an early response.
Diego 2/Latan R. See 21-10

1. It is recommended that we adopt the following preliminary negotiating strategy with the Rwandese Government, Our comments are given serial-wise.

A. Application of Convention

2. Paras 3 and 4 - We should not accept any amendment which reduces existing scope of privileges and immunities as derived from the 1946 Convention. We may explain that UNAMIR's privileges and immunities cannot be less than those of other UN Agencies.

B. Status of UNAMIR

3. Para 5 revised is preferable unchanged but we can live with the revised version.
4. Para 6 alteration is unacceptable.
5. Para 7 is negotiable as the changes suggested are not substantive.

C. UN Flags etc.

6. Para 8 - We may oppose the suggestion. You may advise us on the restriction of flags by SRSG and FC. Sometimes flags are needed to identification purposes.

D. Communications

7. Re para 10 (a) - The basic rationale of seeking government's permission for radio frequencies and for payment of Rwandese telecommunications facilities is acceptable. The language may need changing as also references to "masts" etc.

E. Travel and transport

8. (Para 12) - No restriction on travel should be accepted.
(Para 13) - No restriction on vehicle licensing should be accepted. We may, however, agree to Third Party Insurance and registering vehicles.

F. Privileges and Immunities

9. Para 15 (a) appears acceptable
15 (b) also appears acceptable
15 (c) provision may be included in para 15 (c).

G. Facilities

10. Para 16 may need negotiation on language. There is no basic difficulty with the revision of the para :
Para 17 may be accepted
Para 19 is not acceptable
Para 20 needs to be negotiated

H. Recruitment of local staff

11. Deletion of sentence in para 22 does not appear substantive and may be accepted.

I. Currency

12. The rationale of the Rwandese amendment appears reasonable and may be accepted.

J. Status of UNAMIR Members

Principles and Immunities

Para 24 is not acceptable

Para 25 may be negotiated

K. Entry Residence Departure

Para 32 - The government amendment may not be accepted.

Para 33 is also not acceptable.

Para 34 - The government's right to insist on visas and approach travel documents needs to be respected. Language may need modification.

Para 35 - may also be negotiated.

Para 37 - deletion may not be accepted.

L. Military Police

Para 41 - The change proposed is not substantive, may be negotiated.

Para 44 - Not substantive - May be negotiated.

M. Jurisdiction

Para 46 - Change is not acceptable

Para 48 - Changes not acceptable.

N. Miscellaneous

Paras 56 and 57 may be negotiated.



**MODIFICATIONS TO THE STATUS OF MISSION AGREEMENT (SOMA)
PROPOSED BY THE RWANDESE GOVERNMENT**

1. The following is a compilation of the modifications sought by the Rwandese Government to the provisions of the Agreement between the United Nations and the Government of the Republic of Rwanda on the Status of the United Nations Assistance Mission for Rwanda (UNAMIR). (References to paragraphs are to the original, not modified, text of the SOMA).

I. DEFINITIONS

2. There are no substantive changes proposed for this section of the Agreement.

II. APPLICATION OF THE PRESENT AGREEMENT

3. No modifications have been sought with regard to this paragraph.

III. APPLICATION OF THE CONVENTION

we cannot
place
at a lower
level than
UN

4. The Government has restricted the scope of UNAMIR's privileges and immunities specified in the Agreement by omitting the provision extending the scope of the Agreement to include the privileges and immunities described in the 1946 Convention on the Privileges and Immunities of the United Nations. It does, however, recognise the application of article II of the Convention to members of UNAMIR, as well as to the property, funds and assets of UNAMIR and its participating States. (paragraphs 3 and 4)

IV. STATUS OF UNAMIR

Acceptable?

5. The Government proposes that "UNAMIR and its members shall refrain from any action or activity incompatible...or inconsistent with the provisions and (added) spirit of the present arrangements." (paragraph 5)

Not
acceptable

6. The Government has omitted its obligation to "respect the exclusively international nature of UNAMIR." (paragraph 6)

7. The Government undertakes "to treat (but not "at all times") military personnel of UNAMIR **in accordance with** (not "with full respect for") the principles and spirit of the general international conventions applicable to the treatment of military personnel." (paragraph 7 (b))

United Nations flag and vehicle markings

8. The Government only recognises the right of UNAMIR to display within Rwanda the United Nations flag on its headquarters and camps, not on "other premises, vehicles, vessels and otherwise as decided by the Special Representative." It only specifies that "[t]he vehicles of the Special Representative and Force Commander may carry flags" and omits the provision "[o]ther flags or pennants may be displayed only in exceptional cases." (paragraph 8)

Communications

9. Although the Government acknowledges the applicability of article III of the Convention with regard to communications facilities, nevertheless it significantly modifies UNAMIR's communications privileges by inserting the phrase **"after Government approval and [in] conformity with national laws on registration of communications equipment"** before describing the communications facilities UNAMIR may enjoy on Rwandese territory. With regard to telecommunications services, although the Agreement states that the frequencies for such stations "shall be decided upon in co-operation with the Government", the Government's proposed text states that they "shall be decided upon **by the Government in co-operation with UNAMIR**". (paragraph 10 (a))

10. Under the existing Agreement, "connections with the local system of telegraphs, telex and telephones may be made only after consultation and in accordance with arrangements with the Government, it being further understood that the use of the local system of telegraph, telex and telephones will be charged at the most favourable rate". The Government proposes the following to replace the above: "connections with the local system of telegraphs, telex, telephones **and masts will be charged in accordance with existing national tariffs**." (paragraph 10 (b))

Travel and transport

11. Freedom of movement throughout the territory to UNAMIR and its members is only granted **"in exercise of its mandate."** Furthermore, the Government states that "freedom of movement of personnel, stores or vehicles through airports or on railways or roads used for general traffic within Rwanda shall be co-ordinated **by** the Government of Rwanda." Whereas the Agreement specifies "[t]hat freedom shall, **with respect to large movements of personnel, stores or vehicles...**be co-ordinated **with** the Government." Also, the Government no longer agrees "to supply UNAMIR, where necessary, with maps and other information, including locations of mine fields and other dangers and impediments, which may be useful in facilitating its movements." (paragraph 12)
12. The current Agreement specifies that "[v]ehicles, including all military vehicles, vessels and aircraft of UNAMIR shall not be subject to registration or licensing by the

70 Government provided that all such vehicles shall carry the third party insurance required by relevant legislation." However, the Government now proposes that "[a]ll UNAMIR vehicles shall be registered in accordance with national law governing registration of vehicles provided that all such vehicles shall carry Third Party Insurance requested by relevant national legislation." (paragraph 13)

? 13. The Government has eliminated the following provision of the Agreement: "UNAMIR may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges, including wharfage charges. However, UNAMIR will not claim exemption from charges which are in fact charges for services rendered." (paragraph 14)

Privileges and immunities of UNAMIR

14. UNAMIR's right to "import, free of duty or other restriction, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNAMIR or for resale in commissaries provided for hereinafter" is now qualified by the following: **"provided that UNAMIR members shall only enjoy duty free benefits similar to the benefits accorded to members or staff of diplomatic missions accredited to Rwanda of equal rank or status."** (subparagraph 15 (a))

OK 15. In the paragraph requiring the SRSG to "take all necessary measures to prevent abuse of...commissaries and the sale or resale of such goods to persons other than UNAMIR," the Government omits the reference to "or resale". It also deletes "sympathetic" from "and he shall give sympathetic consideration to observations or requests of the Government concerning the operation of the commissaries". (subparagraph 15 (b))

16. The word "provisions" is deleted from subparagraph 15 (c).

V. FACILITIES FOR UNAMIR

Premises required for conducting the operational and administrative activities of UNAMIR and for accommodating members of UNAMIR

? 17. Instead of agreeing to "provide" UNAMIR, to the extent possible, premises necessary for "the operational and administrative activities of UNAMIR and for the accommodation of the members of UNAMIR", the Government now proposes only to "assist" UNAMIR. Additionally, it now requires: **"Payment shall be made by UNAMIR on terms to be agreed with the competent authority."** They also add that **"UNAMIR shall be responsible for the maintenance and upkeep of such areas so provided."** The Government has eliminated the following provision: "Where United Nations troops are co-located with military personnel of the host country, a permanent, direct and immediate access by UNAMIR to those premises shall be guaranteed." (paragraph 16)

OK 18. Payment by UNAMIR for water, electricity and other necessary facilities to the "competent" authority has been replaced with "appropriate" authority. (paragraph 17)

19. The Government has omitted the following important paragraph:

No The United Nations alone may consent to the entry of any government officials or of any other person not [a] member of UNAMIR to such premises. (paragraph 19)

Provisions, supplies and services, and sanitary arrangements

20. Also omitted is the following provision:

Redundant? The Government agrees to assist UNAMIR as far as possible in obtaining equipment, provisions, supplies and other goods and services from local sources required for its subsistence and operations. In making purchases on the local market, UNAMIR shall, on the basis of observations made and information provided by the Government in that respect, avoid any adverse effect on the local economy. The Government shall exempt UNAMIR from general sales taxes in respect of all official local purchases. (paragraph 20)

Recruitment of local personnel

- ✓ 21. Although UNAMIR is still allowed to recruit locally such personnel as it requires, the Government has eliminated the following text: "Upon the request of the Special Representative, the Government undertakes to facilitate the recruitment of qualified local staff by UNAMIR and to accelerate the process of such recruitment." (paragraph 22)

Currency

22. The following has been omitted by the Government:

✓ The Government undertakes to make available to UNAMIR, against reimbursement in mutually acceptable currency, Rwandese franc currency required for the use of UNAMIR, including the pay of its members, at the rate of exchange most favourable to UNAMIR.

- ✓ 23. Instead, the Government has inserted the following provision: **"UNAMIR shall conform to the existing national monetary laws and exchange mechanism and conduct its commercial operations through the banking system."**

VI. STATUS OF THE MEMBERS OF UNAMIR

Privileges and immunities

- No 24. The Police Commissioner of the United Nations civilian police is not entitled to diplomatic immunity according to the Government's proposed modifications. (paragraph 24)

25. Members of UNAMIR are still entitled to exemption from "taxation on the pay and emoluments received from the United Nations or from a participating State and any income received from outside Rwanda." However, as proposed by the Government, they are no longer "exempt from all other direct taxes, except municipal rates for services enjoyed, and from all registration fees and charges." According to the Government, members of UNAMIR shall **"not be exempt from municipal rates for services enjoyed and from all registration fees and charges."** (paragraph 29)

Entry, residence and departure

26. Under the existing Agreement:

The Special Representative and members of UNAMIR shall, whenever so required by the Special Representative, have the right to enter into, reside in and depart from Rwanda. (paragraph 32)

However, the Government now proposes:

Subject to the express consent of the Government, the Special Representative and members of UNAMIR shall have the right to enter into, reside in and depart from Rwanda.

27. Although the Government undertakes "to facilitate the entry into and departure from Rwanda of the Special Representative and members of UNAMIR and shall be kept informed of such movement", it has eliminated the following:

For that purpose, the Special Representative and members of UNAMIR shall be exempt from passport and visa regulations and immigration inspection and restriction on entering into or departing from Rwanda. They shall also be exempt from any regulations governing the resident of aliens in Rwanda, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Rwanda. (paragraph 33)

28. The Government has significantly modified the following provision of the Agreement:

For the purpose of such entry or departure, members of UNAMIR shall only be required to have: (a) an individual or collective movement order issued by or under the authority of the Special Representative or any appropriate authority of a participating State; and (b) a personal identity card issued in accordance with paragraph 35 of the present Agreement, except in the case of first entry, when the personal identity card issued by the appropriate authorities of a participating State shall be accepted in lieu of the said identity card. (paragraph 34)

The following has been substituted for the above: "For the purpose of such entry and departure, **members of UNAMIR shall be required to have valid passports and individual or collective movement orders issued by or under the authority of a participating state.**"

Identification

29. With respect to UNAMIR identity cards, the Government has omitted the following:

follows
from para 34

Except as provided for in paragraph 34 of the present Agreement, such identity card shall be the only document required of a member of UNAMIR. (paragraph 35)

Also, the word "shall" has been replaced by "may" in "[m]embers of UNAMIR as well as locally recruited personnel shall be required to present, but not to surrender, their UNAMIR identity cards upon demand of an appropriate official of the Government." (paragraph 36)

Uniform and arms

30. The following provision has been deleted by the Government:

No

United Nations Security Officers and Field Service Officers may wear the United Nations uniform. The wearing of civilian dress by [members of UNAMIR's military contingent and civilian police component] may be authorized by the Special Representative at other times. Military members and civilian police of UNAMIR and United Nations Security Officers designated by the Special Representative may possess and carry arms while on duty in accordance with their orders. (paragraph 37)

Instead, the Government only specifies that "United Nations Security officers designated by the Special Representative may possess and carry arms while on duty in accordance with their orders."

Permits and licences

31. There are no substantive changes under this heading.

Military police, arrest and transfer of custody, and mutual assistance

?

32. Under the existing Agreement, "personnel [designated by the Special Representative] may take into custody any other person on the premises of UNAMIR." (paragraph 41) However, the Government has modified the text to read "personnel [designated by the Special Representative] may apprehend any other person on the premises of UNAMIR."

33. Under paragraph 44, "UNAMIR and the Government shall assist each other in carrying out all necessary investigations into offenses in respect of which either or both have an interest...and, if appropriate, the handing over of items connected with an offence." In the text proposed by the Government, the phrase "connected with an offence" has been omitted.

Jurisdiction

34. One of the most crucial modifications to the Agreement made by the Government is the deletion of the following paragraph regarding immunity from legal process:

No All members of UNAMIR including locally recruited personnel shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue even after they cease to be members of or employed by UNAMIR and after the expiration of the other provisions of the present Agreement.
(paragraph 46)

35. With regard to the procedures to be followed should a member of UNAMIR commit a criminal offense, under the present Agreement, "a member of the civilian component or a civilian member of the military component" is treated under a separate category. The Government has, however, eliminated the phrase "or a civilian member of the military component". (subparagraph 46 (a))

No 36. The Government has added the following provision: **"In either case, the Government reserves the right to deport any member of UNAMIR, civilian or military, for trial in his home country."**

No 37. Applicable sections of the Agreement dealing with the institution of civil proceedings against members of UNAMIR have been considerably modified. The following important addition has been made by the Government: **"Civil proceedings may be instituted against a member of UNAMIR for non-official acts. Whether an act should be considered official or not will be determined by a Rwandan court of competent jurisdiction."**

38. The following sections of the Agreement under paragraph 48 have been deleted:

If any civil proceeding is instituted against a member of UNAMIR before any court of Rwanda, the Special Representative shall be notified immediately, and he shall certify to the court whether or not the proceeding is related to the official duties of such member:

(a) If the Special Representative certifies that the proceeding is related to official duties, such proceeding shall be discontinued and the provisions of paragraph 50 of the present Agreement shall apply.

(b) If the Special Representative certifies that the proceeding is not related to official duties, the proceeding may continue...Property of a member of UNAMIR that is certified by the Special Representative to be needed by the defendant for the fulfilment of his official duties shall be free from seizure for the satisfaction of a judgement, decision or order. The personal liberty of a member of UNAMIR shall not be restricted in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath or for any other reason.

Deceased members

39. No changes have been made to this section.

VII. SETTLEMENT OF DISPUTES

40. No modifications made.

VIII. SUPPLEMENTAL ARRANGEMENTS

41. Original text maintained.

IX. LIAISON

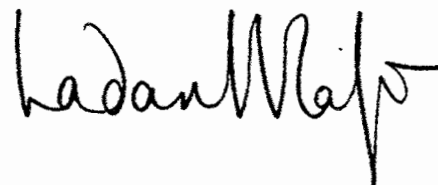
42. Paragraph remains unchanged.

X. MISCELLANEOUS PROVISIONS

43. Under paragraph 56, the Government has qualified its responsibilities by adding "whenever possible" to the following text: "the Government shall, **whenever possible**, have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local Rwandese authorities."

44. They have also made the following significant change to paragraph 57: under the existing Agreement "[t]he present Agreement shall remain in force until the departure of the final element of UNAMIR from Rwanda except that...." The Government now proposes the following: **"The present Agreement shall remain in force until the current mandate of UNAMIR expires or such other date as the Government and the United Nations may mutually agree."**

45. As a final addition, the Government seeks the following: **"UNAMIR shall give a full list of all its members and their work to the Government."**



Ladan M. Rafii
Political/Legal Officer
27 September 1995

cc: SRSG, FC, ED, CAO

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

26 September 1995

TO: Mr. Wilfrid De Souza, Executive Director

FROM: A. B. Sidique Dao, HAO/ SA-SRSG

SUBJECT: Joint GoR/UNAMIR Meeting of 26 September 1995

I have the honour to forward herewith **Note for File** in respect of the above subject matter which was prepared by Mr. Mtshana Ncube, Admin/Legal Officer.

cc: COS
SPA
SPO

NOTE TO FILE

UNAMIR MANDATE AND UNAMIR RELATIONS WITH THE GOVERNMENT OF RWANDA

26 September 1995

Meeting between members of the Government Commission and the Special Representative of the Secretary General and his delegation held at UNAMIR Headquarters at 10 o'clock on 26 September 1995

The meeting was attended by a Government delegation constituted into a Commission and appointed by the Vice-President, Major General Kagame. The Commission members were:

- | | | |
|----|------------------------|-------------------------|
| 1. | Mr. Claude Dusaidi | Vice-President's Office |
| 2. | Maj. Kamarade Kayitare | Defence |
| 3. | Maj. Joshua Rasana | Defence |
| 4. | Maj. Kamanzi Mushyo | Defence |
| 5. | Dr. Ndahiro Emmandel | Defence |
| 6. | Mr. Sam Nkusi | MINITRANSCO |
| 7. | Mr. Higiro Theddie | MINAFFET |
| 8. | Mr. Antoine Sendama | MINIREISO |

UNAMIR was represented by:

- | | | |
|----|---------------------------|-------------|
| 1. | Ambassador Shaharyar Khan | SRSG |
| 2. | Mr. Wilfrid De Souza | ED |
| 3. | Col. Shiva Kumar | COS |
| 4. | Mr. Sammy Buo | SPA |
| 5. | Mr. Mamady Conde | SPO |
| 6. | Mr. Mtshana Ncube | A/LO |
| 7. | Mr. Gilles Briere | CMCO |
| 8. | Mr. Abu Bakarr S. Dao | HAO/SA-SRSG |

1. The meeting was proposed by the Government following the creation of the above Commission.
2. Mr. Dusaidi, the head of the Government Commission, stated in his opening remarks that the commission was appointed by the Vice President "to look at all aspects of UNAMIR" i.e. to appraise its work.
3. Some of the issues that the Commission wants to focus on are:
 - (a) If there is to be a transition, it should be a smooth one;
 - (b) What staff will be left in the transition period;
 - (c) What, if any, of UNAMIR equipment can be left behind;
 - (d) The successes or failures of the UNAMIR Mission.

4. In response the Special Representative of the Secretary General, Ambassador Shaharyar Khan, welcomed the delegation and thanked Mr. Dusaidi for the overview on issues of interest to the Commission (i.e. the Government). He then outlined what he and UNAMIR saw as the issues to be taken up in this and other discussions to follow. He saw the issues as the following:

- (a) What happens after 9 December 1995;
- (b) What, if anything, remains after 9 December 1995, i.e. What physical things can be left behind and what personnel may be needed to remain;
- (c) The legal basis of UNAMIR's presence in Rwanda. [Ambassador Khan underlined the importance of absolute clarity for both parties on how UNAMIR comes to be here. He said there should be no grey areas].
- (d) Any other issues.

5. In summing up, Ambassador Khan indicated that he saw the issues for discussion as:

- (a) The Mandate;
- (b) What UNAMIR leaves behind by way of equipment;
- (c) Legal aspects of the Mission;
- (d) Any other business.

6. The Mandate

Ambassador Khan reiterated the fact that UNAMIR is in Rwanda under chapter 6 of the United Nations Charter, and is here with the agreement of the Government of Rwanda. Whether UNAMIR leaves or stays is for the Government of Rwanda to decide "we cannot impose ourselves on Rwanda. This is the bottom line. If you feel we should phase out in the next few weeks you tell us. The decision is your sovereign right. We are here as a result of the Security Council resolutions, and it is of course the Security Council that ultimately decides." Ambassador Khan then promised to explain in some detail how decisions on such matters are taken by the Security Council and to present to the Commission the options.

7. What do we leave behind by way of equipment?

- (a) Ambassador Khan preceded his categorization of equipment used by UNAMIR by explaining some of the principles governing use and transfer of equipment in Peace Keeping

Missions. The fundamental principle is that where equipment has depreciated below a certain value the UN will consider, in the light of costs in moving such equipment to another mission or to Brandis in Italy, disposing of such equipment locally. The key issues here are the age of the equipment, considering the likely cost of transporting it to another mission.

(b) Ambassador Khan then went on to explain the different categories of equipment now used by UNAMIR. These are:

(i) Contingent owned equipment. This equipment belongs to the Contingent in question and is taken back by the Contingent to its country upon completion of the mission. The UN pays for the use of such equipment.

(ii) Equipment loaned to Contingents by member states. This is equipment given to those Contingents which come to the mission without their own equipment. The equipment belongs to the Government. Depending on the attitude of the loaning government, such equipment may follow the personnel to whom it is loaned should these be transferred to another mission. This equipment is bound to be returned to the state making the loan.

(iii) Equipment purchased by the UN. This equipment is moved from mission to mission until its value falls below a certain designated level where upon it may be disposed of as scrap or sold. Ambassador Khan outlined three ways in which property may be dealt with:

- Write-offs under UN rules. These can be left behind.
- Equipment (including vehicles) still in good condition but can be considered for sale at a depreciated value. An agreement has already been signed to purchase some of this equipment using funds from the Trust Fund.
- Equipment which does not fall into subparagraphs (i) and (ii). This equipment is in good condition and is normally transferred to other missions or stored for use in future missions.
- [Ambassador Khan stated that there will

be a complete list of property by 15 October 1995].

- (c) As a general rule lethal equipment is excluded from any of the above considerations. Were such equipment to be left to the Government of Rwanda, there has to be authorization from the Government that owns the equipment and from the Security Council.
- (d) The other category of equipment which is within the ambit of UNAMIR to consider in the discussions with the Rwandese Government is communications equipment, generators, office equipment, utility equipment (bladders, tents and pumps).

8. Legal aspects of the mission

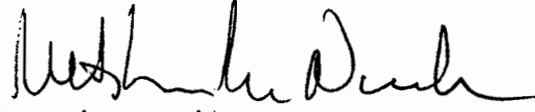
Discussion on issues falling under this category was deferred because the Special Representative of the Secretary General had only just received, some 20 minutes before the meeting, the Government's comments on the SOMA. Ambassador Khan needed time to study the comments.

9. Any other business

- (a) Under any other business Mr. Dusaidi suggested that in order to better understand some of the issues that the Government wanted examined by the Commission it was important to look at the genesis of the UNAMIR mission. He noted that it is called UNAMIR specifically because it is an assistance mission to Rwanda. He therefore called upon the meeting to "look at all aspects of the mission" data-base development by UNAMIR, documents, maps, etc.
- (b) Another member of the Commission raised the issue of the two Trust Funds - the UNDP Trust Fund and the Secretary General's Trust Fund. He wanted to know which one we were referring to when talking about using funds from the Trust Fund to purchase equipment. Ambassador Khan agreed that there are two Trust Funds: the UNDP Trust Fund and the Secretary General's Trust Fund. However if it were according to his wishes he would prefer to use the Secretary General's Trust Fund because it suffers from less red tape.

- (c) One member of the Commission asked about Mambas (PC tanks) from South Africa. It was the view of Ambassador Khan that the transfer of these fall under the Security Council since there are the property of the UN (see relevant Security Council resolution on transfer of property).

Mtshana M. Ncube
Chief, Boards of Inquiry Unit
Administrative/Legal Officer



Copy to Amb. KHAN

AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF RWANDA ON THE STATUS OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. DEFINITIONS

1. For the purpose of the present Agreement the following definitions shall apply:

- a) "UNAMIR" means the United Nations Assistance Mission for Rwanda established pursuant to Security Council resolution 872 (1993) of 5 October 1995 with the mandate described in the above - mentioned resolution based on the recommendations contained in the Secretary - General's report on Rwanda dated 24 September 1993 (S/26488). For the purpose of this Agreement, UNAMIR shall consist of:
 - (i) The " Special Representative" appointed by the Secretary-General of the United Nations. Any reference to the Special Representative in this Agreement shall, except in paragraph 237 include any member of UNAMIR to whom he delegates a specific function or authority;
 - (ii) A "civilian component " consisting of United Nations officials and of other persons assigned by the Secretary General to assist the Special Representative or made available by participating States to serve as part of UNAMIR;
 - iii) A "military component" consisting of military and civilian personnel made available by participating states to serve as part of UNAMIR.
- (b) A "member of UNAMIR" means any member of the civilian or military component but, unless specifically stated otherwise does not include locally recruited personnel;
- (c) "Participating State" means a state contributing personnel to any of the above mentioned components of UNAMIR;
- (d) "The Government " means the Government of the Republic of Rwanda;
- (e) "The territory" means the territory of the Republic of Rwanda;
- (f) "The Convention" means the convention on the privilege and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946.

II. APPLICATION OF THE PRESENT AGREEMENT

2. Unless specifically provided otherwise, the provisions of the present Agreement and any obligation undertaken by the Government or any privilege, immunity, facility or concession granted to UNAMIR or any member thereof apply throughout the territory.

III. APPLICATION OF THE CONVENTION

3. UNAMIR, its members, property, funds and assets shall enjoy the privileges and immunities specified in the present agreement ~~as defined in section fourteen of this Agreement~~
4. Article II of the Convention, which applies to UNAMIR, shall also apply to the property, funds and assets of participating States used in connection with UNAMIR.

IV. STATUS OF UNAMIR

5. UNAMIR and its members shall refrain from any action or activity incompatible with the impartial and international nature of their duties or inconsistent with the ~~provisions and spirit of the present arrangements. UNAMIR and its members shall respect all local laws and regulations as stipulated in article 46 of this Agreement.~~ The special Representative shall take all appropriate measures to ensure the observance of those obligations.
6. The Government ^[omitted] ~~shall ensure that appropriate steps are taken to ensure the security and safety of UNAMIR and personnel engaged in the Mission.~~
7. Without prejudice to the mandate of UNAMIR and its international status:
 - (a) The United Nations shall ensure that UNAMIR shall conduct its operations in Rwanda with full respect for the principles and spirit of the general conventions applicable to the conduct of military personnel. These international conventions include the four Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977 and the UNESCO convention of 14 May 1954 on the Protection of Cultural Property in the event of armed conflict;
 - (b) The Government undertakes to treat military personnel of UNAMIR in accordance with the principles and spirit of the general international conventions applicable to the treatment of military personnel. These international conventions include the Four Geneva conventions of 12 April 1949 and their Additional Protocols of 8 June 1977.
UNAMIR and the Government shall therefore ensure that members of their respective military personnel are fully acquainted with the principles and spirit of the above-mentioned international instruments.

UNITED NATIONS FLAG AND VEHICLE MARKINGS

8. The Government recognises the right of UNAMIR to ^{omission} display within Rwanda the United Nations flag on its headquarters and camps. The vehicles of the Special Representative and Force Commander may carry flags.
9. Vehicles, vessels and aircraft of UNAMIR shall carry a distinctive United Nations identification which shall be notified to the Government.

COMMUNICATIONS

10. UNAMIR shall enjoy the facilities in respect to communications provided in article III of the convention and shall; in co-ordination with the Government, use such facilities as may be required for the performance of its task. Issues with respect to communications which may arise and which are not specifically provided for in the present Agreement shall be dealt with pursuant to the relevant provisions of the Convention.
11. Subject to the provisions of the Convention, after Government approval and ~~in conformity with national law on registration of communication equipment~~
- (a) UNAMIR shall have authority to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points within the territory with each other and with United Nations offices in other countries and to exchange traffic with the United Nations global telecommunications network. The telecommunication services shall be operated in accordance with the international Telecommunication conventions and regulations and the frequencies on which any such station may be operated shall be decided upon by the Government in co-operation with UNAMIR and shall be communicated by the United Nations to the International Frequency Registration Board;
 - (b) UNAMIR shall enjoy, within the territory, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile or any other means and of establishing the necessary facilities for maintaining such communications within and between premises of UNAMIR, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The frequencies on which the radio will operate shall be decided upon in co-operation with the Government. It is understood that connections with the local system of telegraphs, telex, telephones and masts ~~will be charged in accordance with existing national~~

- (c) UNAMIR may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNAMIR. The Government shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of UNAMIR or its members. In the event that postal arrangements applying to the private mail of members of UNAMIR are extended to transfer of currency or the transport of packages and parcels, the conditions under which such operations are conducted shall be agreed with the Government.

TRAVEL AND TRANSPORT

12. UNAMIR and its members shall enjoy, together with its vehicles, vessels, aircraft, and equipment, freedom of movement throughout the territory in ~~exercise of its mandate. That freedom of movement of personnel, stores or vehicles through airports or on railways or roads used for general traffic within~~ Rwanda shall be co-ordinated by the Government of Rwanda.

[Omission]

13. ~~All UNAMIR vehicles shall be registered in accordance with national law governing registration of vehicles provided that all such vehicles shall carry Third Party Insurance requested by relevant national legislation.~~

[Omission part 14]

PRIVILEGES AND IMMUNITIES OF UNAMIR

14. UNAMIR, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the United Nations in accordance with the convention. The provisions of articles II of the convention which apply to UNAMIR shall also apply to the property, funds and assets of participating states used in Rwanda in connection with the national contingents serving in UNAMIR, as provided for in paragraph 4 of the present agreement. The Government recognises the right of UNAMIR in particular:

- a) To import, free of duty or other restriction, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNAMIR or for resale in the commissaries provided for hereinafter ~~provided that UNAMIR members shall only enjoy duty-free benefits similar to the benefits accorded to members or staff of diplomatic missions accredited to RWANDA of equal rank or status.~~
- b) To establish, maintain and operate commissaries at its headquarters, camps and posts for the benefit of the members of UNAMIR but not of locally recruited personnel. Such commissaries may provide goods of a consumable nature and other articles to be specified in advance. The special Representative shall take all necessary measures to prevent abuse of such commissaries and the sale ~~for such goods~~ to persons other than members of UNAMIR and shall give ~~consideration~~ to observations or requests of the government concerning the operation of commissaries;

- c) To clear ex customs and excise warehouse, free of duty or other restrictions, equipment, supplies and other goods which are for the exclusive and official use of UNAMIR or for resale in the commissaries provided for above;
- d) To re-export or otherwise dispose of such equipment, as far as it is still usable, all unconsumed provisions, supplies and other goods so imported or cleared ex customs and excise warehouse which are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon, to the competent local authorities of Rwanda or to an entity nominated by them.

To the end that such importation, clearance, transfer or exportation may be effected with the least possible delay, a mutually satisfactory procedure, including documentation, shall be agreed between UNAMIR and the Government at the earliest possible date.

V. FACILITIES FOR UNAMIR

Premises required for conducting the operational and administrative activities of UNAMIR and for accommodating members of UNAMIR

15. The Government of Rwanda shall, to the extent possible, assist UNAMIR in locating such areas for headquarters, camps or other premises as may be necessary for the conduct of the operational and administrative activities of UNAMIR. Payment shall be made by UNAMIR on terms to be agreed with the competent authority. Without prejudice to the fact that all such premises remain Rwandese territory, they shall be inviolable and subject to the exclusive control and authority of the United Nations. UNAMIR shall be responsible for the maintenance and upkeep of such areas so provided. [Omission]
16. The Government undertakes to assist UNAMIR, as far as possible, in obtaining water, electricity and other necessary facilities, and, in the case of interruption or threatened interruption of service, to give as far as within its powers the same priority to the needs of UNAMIR as to essential government services. Payment shall be made by UNAMIR on terms to be agreed with the appropriate authority. UNAMIR shall be responsible for the maintenance and upkeep of the facilities so provided.
17. UNAMIR shall have right, where necessary, to generate, within its premises, electricity for its use and to transmit and distribute such electricity.
18. UNAMIR and the Government shall co-operate with respect to sanitary services and shall extend to each other the fullest co-operation in matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international conventions.

RECRUITMENT OF LOCAL PERSONNEL

19. UNAMIR may recruit locally such personnel as it requires. ~~12/15/94~~ h
20. ~~UNAMIR shall conform to the existing national monetary laws and exchange mechanism and conduct its commercial operations through the banking system~~

VI. STATUS OF THE MEMBERS OF UNAMIR.

PRIVILEGES AND IMMUNITIES.

21. The Special Representative, the Force Commander of the military component of **UNAMIR** and such high ranking members of the Special Representative's staff as may be agreed upon with the Government shall have the status specified in sections 19 and 27 of the convention, provided that the privileges and immunities therein referred to shall be those accorded to diplomatic envoys by international law.
22. Other United Nations officials assigned to the civilian component to serve with **UNAMIR** remain officials of the United Nations entitled to the privileges and immunities of articles V and VII of the convention.
23. ~~Other~~ Military observers, civilian police personnel and civilian personnel other than United Nations officials whose names are for the purpose notified to the Government by the Special Representative shall be considered as experts on mission within the meaning of articles VI of the convention.
24. Military personnel of national contingents assigned to the Military component of **UNAMIR** shall have the privileges and immunities specifically provided for in the present Agreement.
25. Unless otherwise specified in the present Agreement, locally recruited members of **UNAMIR** shall enjoy the immunities concerning official acts and exemption from taxation and national service obligations provided for in sections 18 (a), (b) and (c) of the convention.
26. Members of **UNAMIR** shall be exempted from taxation on the pay and emoluments received from the United Nations or from a participating state and any income received from outside Rwanda. ~~They shall however not be exempt from municipal rates for services enjoyed and from all registration fees and charges.~~
27. Members of **UNAMIR** shall have the right to import free of duty their personal effects in connection with their arrival in Rwanda. They shall be subject to the laws and regulations of Rwanda governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in Rwanda with **UNAMIR**. Special facilities will be granted by the Government for the speedy processing of entry and exit formalities for all members of **UNAMIR**, including the military component, upon prior written notification. On departure from Rwanda, members of **UNAMIR** may, notwithstanding the above-mentioned exchange regulations; take with them such funds as the Special Representative certifies were received in pay and emoluments from the United Nations or from a participating State and are a reasonable residue thereof.

Special arrangements shall be made for the implementation of the present provisions in the interest of the Government and the members of **UNAMIR**.

28. The Special Representative shall co-operate with the Government and shall render all assistance within his power in ensuring the observance of the customs and fiscal laws and regulations of Rwanda by the members of UNAMIR in accordance with the present Agreement.

ENTRY RESIDENCE AND DEPARTURE

29. ~~Subject to the express consent of the Government,~~ the Special Representative and members of UNAMIR shall have the right to enter into, reside in and depart from Rwanda. *_h omission
30. The Government undertakes to facilitate the entry into and departure from Rwanda of the Special Representative and members of UNAMIR and shall be kept informed of such movement. *_h
31. ~~For the purpose of such entry or departure, members of UNAMIR shall be required to have valid passports and individual or collective movement orders issued by or under the authority of a participating state.~~

IDENTIFICATION.

32. The Special Representative shall issue to each member of UNAMIR before or as soon as possible after such member's first entry into Rwanda, as well as to all locally recruited personnel, a numbered identity card which shall show full name, date of birth, title or rank; service (if appropriate) and photograph. [Omission]
33. Members of UNAMIR as well as locally recruited personnel may be required to present, but not to surrender, their UNAMIR identity cards upon demand by an appropriate official of the Government.

UNIFORM AND ARMS.

Military members and United Nations Civilian police of UNAMIR shall wear, while performing official duties, the national military or police uniform of their respective States with standard United Nations accoutrements. ~~United Nations Security officers designated by the Special Representative may possess and carry arms while on duty in accordance with their orders.~~

PERMITS AND LICENCES.

35. The Government agrees to accept as valid, without tax or fee, a permit or licence issued by the Special Representative for the operation by any member of UNAMIR, including locally recruited personnel, of any UNAMIR transport or communication equipment and for the practice of any profession or occupation in connection with the functioning of UNAMIR, provided that no licence to drive a vehicle or pilot an aircraft shall be issued to any person who is not already in possession of an appropriate and valid licence.

36. Without prejudice to the provisions of paragraph 34, the Government further agrees to accept as valid, without tax or fee, a permit or licence issued by the Special Representative to a member of **UNAMIR** for the carrying or use of firearms or ammunition in connection with the functioning of **UNAMIR**.

MILITARY POLICE, ARREST AND TRANSFER OR CUSTODY AND MUTUAL ASSISTANCE.

37. The Special Representative shall take all appropriate measures to ensure the maintenance of discipline and good order among members of **UNAMIR** as well as locally recruited personnel. To this end, personnel designated by the Special Representative shall police the premises of **UNAMIR** and such other areas where its members are deployed. Elsewhere, such personnel shall be employed only subject to arrangements with the Government and liaison with it in so far as such employment is necessary to maintain discipline and order among the members of **UNAMIR**.
38. The Military police of **UNAMIR** shall have the power of arrest over the military members of **UNAMIR**. Military personnel placed under arrest outside their own contingent areas shall be transferred to their contingent command for appropriate disciplinary action. The personnel mentioned in paragraph 37 above may apprehend any other person on the premises of **UNAMIR**. Such other person shall be delivered immediately to the nearest appropriate official of the Government for the purpose of dealing with any offence or disturbance on such premises.
39. Subject to the provisions of paragraph 21 and 23, officials of the Government may take into custody any member of **UNAMIR**:
- (a) when so requested by the Special Representative; or
 - (b) when such a member of **UNAMIR** is apprehended in the commission or attempted commission of a criminal offence. Such person shall be delivered, immediately, together with any weapons or other item seized, to the nearest appropriate representative of **UNAMIR**, whereafter the provisions of paragraph 43 shall apply mutatis mutandis.
40. When a person is taken into custody under paragraph 38 or paragraph 39 (b), **UNAMIR** or the Government, as the case may be, may make a preliminary interrogation but may not delay the transfer of custody. Following such transfer, the person concerned shall be made available upon request to the arresting authority for further interrogation.
41. **UNAMIR** and the Government shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses and in the collection and production of evidence, including the seizure of and, if appropriate, the handing over of items ~~may be made subject to their return within the terms specified by the authority delivering them.~~ Each party shall notify the other of the disposition of

any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 38-40.

42. The Government shall ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to UNAMIR or its members which, if committed in relation to the forces of the Government, would have rendered such acts liable to prosecution.

43. Should the Government consider that any member of UNAMIR has committed a criminal offence, it shall promptly inform the Special Representative and present to him any evidence available to it. Subject to the provisions of Paragraph 21,

(a) If the accused person is a member of the civilian component, the Special Representative shall conduct any necessary supplementary inquiry and then agree with the Government whether or not criminal proceedings should be instituted. Failing such agreement, the question shall be resolved as provided in paragraph 48 of this Agreement.

(b) Military members of the military component of UNAMIR shall be subject to the exclusive jurisdiction of their respective participating states in respect of any criminal offences which may be committed by them in Rwanda.

(c) In either case, the Government reserves the right to deport any member of UNAMIR, civilian or military, for trial in his home country.

44. (a) Civil proceedings may be instituted against a member of UNAMIR for non-official acts. Whether an act should be considered official or not will be determined by a Rwandan court of competent jurisdiction.

(b) If the Special Representative certifies that a member of UNAMIR is unable because of official duties or authorised absence to protect his interests in the proceedings, the court shall, at the defendant's request, suspend the proceeding until the elimination of the disability, but for not more than ninety days in any event.

Deceased members

45. The Special Representative shall have the right to take charge of and dispose of the body of a member of UNAMIR who dies in Rwanda as well as the member's personal property located within Rwanda in accordance with United Nations procedures.

VIII. SETTLEMENT OF DISPUTES

46. Except as provided in paragraph 48, any dispute or claim of a private law character to which UNAMIR or any member thereof is a party and over which the courts of Rwanda do not have jurisdiction because of any provision of the present Agreement, shall be settled by a standing claims commission to be established for that purpose. One member of the commission shall be appointed

by the Secretary-General of the United Nations, one member by the Government and a chairman jointly by the Secretary-General and the Government. If no agreement as to the chairman is reached within thirty days of the appointment of the first member of the commission, the President of the International Court of Justice may, at the request of either the Secretary-General of the United Nations or the Government, appoint the chairman. Any vacancy on the commission shall be filled by the same method prescribed for the original appointment, provided that the thirty-day period there prescribed shall start as soon as there is a vacancy in the chairmanship. The commission shall determine its own procedures, provided that any two members shall constitute a quorum for all purposes (except for a period of thirty days after the creation of a vacancy) and all decisions shall require the approval of any two members. The awards of the commission shall be final and binding, unless the Secretary General of the United Nations and the Government permit an appeal to a tribunal established in accordance with paragraph 48. The awards of the commission shall be notified to the parties and, if against a member of **UNAMIR**, the Special Representative or the Secretary General of the United Nations shall use his best endeavours to ensure compliance.

47. Dispute concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by administrative procedures to be established by the Special Representative.
48. Any other dispute between **UNAMIR** and the Government, and any appeal that both of them agree to allow from the award of the claims commission established pursuant to paragraph 46 shall, unless otherwise agreed by the parties, be submitted to a tribunal of three arbitrators. The provisions relating to the establishment and procedures of the claims commission shall apply, mutatis mutandis, to the establishment procedures of the tribunal. The decisions of the tribunal shall be final and binding on both parties.
49. All difference between the United Nations and the Government arising out of the interpretation or application of the present arrangements which involve a question of principle concerning the Convention shall be dealt with in accordance with the procedure of section 30 of the Convention.

VIII SUPPLEMENTAL ARRANGEMENTS

50. The Special Representative and the Government may conclude supplemental arrangements to the present Agreement.

IX LIAISON

51. The Special Representative and the Government shall take appropriate measures to ensure close and reciprocal liaison at every appropriate level.

X. MISCELLANEOUS PROVISIONS

52. Wherever the present Agreement refers to the privileges, immunities and rights of UNAMIR and to the facilities provided to UNAMIR, the Government shall ~~whenever possible~~ have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local Rwandese authorities.
53. The present Agreement shall remain in force ~~until the current mandate of UNAMIR expires or such other date as the Government and the United Nations may mutually agree.~~
- (a) ~~The provisions of paragraph 48 and 49 shall remain in force.~~
- (b) The provisions of paragraph 46 shall remain in force until all claims have been settled that arose prior to the termination of the present Agreement and were submitted prior to or within three months of such termination.
54. ~~UNAMIR shall give a full list of all its members and their~~ ^{designation} work ~~to the Government.~~

Office of the Spokesman

**SECURITY COUNCIL EXTENDS AND ADJUSTS MANDATE OF
UNAMIR UNTIL 8 DECEMBER 1995**

Resolution 997 (1995) adopted unanimously
9 June 1995

Text of the Resolution

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, and 965 (1994) of 30 November 1994, which set out the mandate of UNAMIR,

Having considered the report of the Secretary-General on UNAMIR dated 4 June 1995 (S/1995/457),

Recalling also 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 certain offences in Rwanda,

Stressing the importance of achieving genuine reconciliation among all members of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and 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,

Underlining the need for increased efforts to assist the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

Emphasizing the necessity for the accelerated disbursement of international assistance for the rehabilitation and reconstruction of Rwanda,

Calling again upon all States to act in accordance with recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura in February 1995,

Recognizing the valuable contribution that the human rights officers deployed by the High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country,

Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States, and welcoming, therefore, the intention of the Secretary-General to appoint a special envoy to carry out consultations on the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development,

1. Decides to extend the mandate of UNAMIR until 8 December 1995 and authorizes a reduction of the force level to 2,330 troops within three months of the adoption of this resolution and to 1,800 troops within four months;

2. Decides to maintain the current level of military observers and civilian police personnel;

3. Decides, in the light of the current situation in Rwanda, to adjust the mandate of UNAMIR so that UNAMIR will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their home communities, and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force;

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full-time protection for

the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case of need;

4. Affirms that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and matériel 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 matériel within Rwanda;

5. Calls upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel are not transferred to Rwandan camps within their territories;

6. Requests 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 matériel referred to above; and further requests the Secretary-General to report to the Council on the matter within one month of the adoption of this resolution;

7. Takes note of the cooperation existing between the Government of Rwanda and UNAMIR in the implementation of its mandate and urges the Government of Rwanda and UNAMIR to continue to implement the agreements made between them, in particular the Status of Mission Agreement of 5 November 1993 and any subsequent agreement concluded to replace that Agreement in order to facilitate the implementation of the new mandate;

8. Commends the efforts of States, United Nations agencies and non-governmental organisations which have provided humanitarian assistance to refugees and displaced persons in need, encourages them to continue such assistance, and calls upon the Government of Rwanda to continue to facilitate their delivery and distribution;

9. Calls upon States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda's rehabilitation efforts, to increase such assistance, and in particular to support the early and effective functioning of the International Tribunal and the rehabilitation of the Rwandan judicial system;

10. Encourages the Secretary-General and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda including those of the organizations and agencies active in the humanitarian and developmental field, and of the human rights officers;

11. Requests the Secretary-General to report to the Council by 9 August 1995 and 9 October 1995 on the discharge by UNAMIR of its mandate, the humanitarian situation and progress towards repatriation of refugees;

12. Decides to remain actively seized of the matter.

NB

- The UNAMIR had originally been established by resolution 872 (1993) of 5 October 1993. Resolution 918 (1994) had expanded the mandate of the Mission to include responsibility for the security of civilians and of humanitarian operation, had increased its strength up to 5,500 troops and imposed an arms embargo on Rwanda.
- By its action today, the Council affirmed that the Chapter VII restrictions imposed by resolution 918 (1994) apply to the sale or supply of arms and matériel to persons in the States neighbouring Rwanda, if such arms or matériel are for use within Rwanda. It called upon the States neighbouring Rwanda to take steps to ensure that such arms and matériel are not transferred to Rwanda camps within their territories.

- In a statement to the Council, the representative of Zaire called for an independent investigation to refute the claims that his country had been involved with the sale or supply of arms for use in Rwanda. He said it was up to the Government in Rwanda to create a favourable climate for the return of the refugees.
 - The representative of Rwanda, speaking after the vote, called for an end to the arms embargo against his Government and for an international commission to study the problem of the refugee camps. He added that the change in the UNAMIR mandate reflected the changed situation in his country.
-

DRAFT MINUTES

MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The sixth meeting of the Joint Commission was held on Saturday 13 May 1995 at 9 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government: were Mr. Emanuel Gasana, Head of the Delegation and Chef du Cabinet, President's Office; Col. Frank Mugambage, Deputy to the National Assembly and Chef du Cabinet, Ministry of Defence; Lt. Joseph Ndahiro, Liaison Officer with UNAMIR, Ministry of Defence.
2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda, Head of Delegation; Col. T. S. Sivakumar, Chief of Staff; Ms. Isel Rivero, Special Assistant to the Special Representative.
3. Mr. Gasana invited Col. Sivakumar to introduce the report of the working group which had been scheduled to meet the day before. Col. Sivakumar explained that the meeting had not been able to begin its work due to the procedural difficulties involving the substantive discussion on the numbers of a future UNAMIR force.
4. Col. Mugambage added that the working group should have been able to

determine the number of forces needed on the basis of the new requirements.

5. The Special Representative indicated that he appreciated the difficulties confronted by the working group. United Nations Headquarters had stated their need to have a general guideline on the mandate before discussing figures. Once these guidelines were agreed, the working group discussions could begin. The working group work was relevant because it provided a framework for the future mandate.

6. The Special Representative also stated that he was not able to provide a figure when the Security Council had not even begun their own informal consultations on the subject. Since any continuation of UNAMIR would be under a Chapter VI mandate, it could be easier for the Government to state what the real needs were. The solution laid in finding a common ground.

7. In this regard, the Special Representative drew the attention of the Joint Commission to the present UNAMIR mandate and proceeded to read out a consolidated summary of the deliberations of the Joint Commission. He indicated that the summary could be considered a non-paper (copy attached) .

8. Mr. Gasana welcomed the Special Representative's initiative and requested the distribution of the non-paper. He added that the Joint Commission should be able to make substantive proposals, and these could only be elaborated through the mutual exchange of views and information. He indicated that at the next meeting of the Joint Commission he would be able to provide the Government's views in the same manner, as a non-paper, and that this could serve as a starting point for further discussion.

9. In addition, Mr. Gasana suggested that the definition of the military component of UNAMIR could also be presented, once discussions had been completed, as a non-paper.

10. It was agreed that the next meeting of the Joint Commision would be held on Monday, 15 May 1995 at 17 hours.

The meeting rose at 11 am.

Isel Rivero, SA/SRSG/UNAMIR

Faustin Musare, CC/MI/RW

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for your reference
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DRAFT MINUTES

MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The fifth meeting of the Joint Commission to review UNAMIR's mandate was held on Thursday 11 May 1995 at 10 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were Mr. Emanuel Gasana, Head of Delegation and Chef du Cabinet, President's Office; Col. Frank Mugambage, Chef du Cabinet, Minister of Defence; Mr. Faustin Musare, Director, Ministry of Foreign Affairs; Mr. Thareisse Nyandwi, Counsellor, Prime Minister's Office; Telesphore Kagaba, Counsellor, Ministry of Foreign Affairs and Cooperation; Mr. Felix Bagambiki, Counsellor, Ministry of Foreign Affairs and Cooperation; Lt. Joseph Nduhaho, Liaison Officer with UNAMIR, Ministry of Defence.

2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda, Head of Delegation; Col. T. S. Sivakumar, Chief of Staff; Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. Ike Minta, Legal Adviser.

3. Mr. Gasana resumed the Chair and invited the Special Representative to

provide a summary of the discussions held in his absence. Ambassador Khan summarized the salient points of the previous meeting and added that there had been noticeable progress achieved in fine tuning the Rwandese Government's requirements after 9 June. He reiterated that the Joint Commission should attempt to find common ground.

4. The Special Representative added that two main points had been made by the Rwandese Government, one, that the size of UNAMIR's military contingent would have to be scaled down in view of the changed context in Rwanda, two, that a military presence ran the risk of establishing a parallel military force within Rwanda. It had also been stated by the Representative of the Rwandese Government, that internal security was an issue of national sovereignty.

5. UNAMIR, on the other hand, had made it clear that it did not intend to continue without the approval of the Government. UNAMIR did not wish to perpetuate itself in Rwanda nor did UNAMIR have a political agenda. UNAMIR's presence was predicated on the mandate to assist the Government of Rwanda and the Rwandese people.

6. The Special Representative also mentioned the continued criticism on UNAMIR. He indicated that friction points between the two sides could be solved through joint channels which had been established for that purpose.

7. Referring to the specific mandate, the Special Representative stated that constitutionally, UNAMIR was required to perform certain tasks such as the protection of the International Tribunal, human rights monitors, and other

United Nations personnel working in Rwanda. Secondly, there were tasks that were assigned in support of the Government such as protection of humanitarian relief convoys. Thirdly, within the framework of agreements reached by Rwanda with UNHCR and other regional governments, there was a provision of security in transit camps and corridors. Border monitoring had been mentioned as a potential task for UNAMIR, however, Col. Mugambage had pointed out that the monitoring should take place in the countries from where military incursions were originating. Finally, the Special Representative mentioned the tasks of demining and of civilian police training.

8. Col. Mugambage added that the principal element^s to be examined by the Joint Commission were the details of the withdrawal of UNAMIR's troops and determining the size of the contingent that would remain. He restated his position that the Government of Rwanda could provide security to the Tribunal and United Nations personnel and that there was no need to monitor Rwanda's borders. In addition security corridors and transit camps were a matter to be considered in Zaire and Tanzania. Regarding demining, he had stated that the Government already had its own programmes and that assistance was required in supporting these programmes. Finally, Col. Mugambage recalled taht the Special Representative had mentioned the issue of rehabilitation and how UNAMIR could facilitate the flow of assistance in support of Government's priorities.

9. Mr. Gasana then stated that he could assume that the Commission agreed to consider a new mandate for UNAMIR after June 9, and that it was evident that in view of prevailing circumstances and changes in the political situation of

Rwanda, UNAMIR's military component would be "drastically reduced". He then invited the Commission to consider establishing a working group to consider the following two main tasks;

(a) In close cooperation with national security forces, assist in the protection of the civilian components of the United Nations presence in Rwanda including United Nations International Tribunal personnel, Human Rights monitors and other international staff invited by the Rwandese Government;

(b) the Government of Rwanda would specify tasks which would be supported by United Nations in the social field where a reduced UNAMIR force could contribute to the rehabilitation of the country.

10. Mr. Gasana then indicated that the training of the Gendarmerie and Comunal Police, which was a task that UNAMIR had been undertaking, would not be included in a new UNAMIR's mandate since the Government would be undertaking training through bilateral arrangements. He further stated that regarding security corridors and border monitoring, it was not in the interest of the country to create the impression that an international force was needed to instill confidence among the refugees nor that a border monitoring force should be stationed within Rwanda. Rwanda was not the aggressor, therefore these tasks could be implemented where the problem originated, namely, Tanzania and Zaire.

11. Regarding demining activities, Mr. Gasana pointed out that the Government had already a programme in place and that it would only require advisory

services.

12. Mr. Gasana concluded by saying that a working group should meet the next day to examine (a) and (b) above, as well as demining activities, and make suitable proposals to be reviewed next Saturday, 13 May at 900 am by the Joint Commission.

13. The Special Representative agreed.

The meeting rose at 11:10 am.

**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 1 NOVEMBER 1995**

1. On 1 November 1995, a meeting was held between representatives from the Rwandese Government and UNAMIR to discuss UNAMIR's future mandate and other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Mr. Higiro Thaddée	Ministry of Foreign Affairs
Mr. Sam Nkusi	Ministry of Transport and Communications
Mr. Mushyo Kamanzi	Ministry of Defence
Lt. Karenzi Karake	Ministry of Defence
Maj. Kamarade Kayitare	RPA Liaison Officer

UNAMIR

Mr. Shaharyar M. Khan	Special Representative of the Secretary-General
Mr. Wilfrid de Souza	Executive Director
Ms. Susan Matthew	Chief Administrative Officer
Col. David Kattah	Deputy Chief of Staff - Operations
Mr. Mamady Condé	Senior Political Affairs Officer
Ms. Isel Rivero	Special Assistant to the SRSG
Ms. Ladan M. Rafii	Political/Legal Officer

2. The SRSG began the meeting by reviewing issues related to UNAMIR's mandate. He stated that when the current mandate expires on 8 December 1995, UNAMIR was prepared to phase out completely unless indications were received to the contrary, and that UNAMIR was not in Rwanda to perpetrate its presence within the country. He added that in the absence of any agreement, UNAMIR was ready to withdraw and, in fact, the latest indications from New York were that it should be prepared to withdraw after the termination of its current mandate. In the mean time, he stated that it was up to the Security Council and the Government of Rwanda to define the terms of UNAMIR's future mandate. The SRSG emphasized that although UNAMIR was, in conjunction with the Rwandese Government, providing security to United Nations agencies operating in Rwanda, this should be regarded as only an incidental task and not UNAMIR's main role. He stated that he could not envisage the Security Council or the United Nations agreeing to maintain a force in Rwanda solely for the purposes of protecting United Nations staff and installations.

3. With regard to the assistance part of the mission, the SRSG mentioned that what the the Rwandese Government was seeking from UNAMIR was understandable, but he explained that UNAMIR was essentially conceived of as a peace-keeping operation. The assistance portion of UNAMIR's mandate would normally be undertaken by other United Nations agencies operating in Rwanda whose functions were purely civilian in nature.

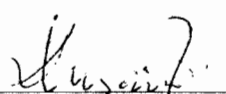
He stated that he would appreciate an indication from the Government of its envisaged role for UNAMIR beyond 8 December. With respect to the list of all UNAMIR equipment, he expected a response on the matter to be shortly received from United Nations Headquarters in New York (UNNY) indicating the items to be disposed of in Rwanda according to accepted rules and regulations and those to be transferred to other peace-keeping operations.

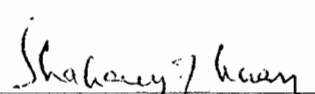
4. In response, Mr. Dusaidi stated that Rwanda's leadership had not yet decided on its policy regarding UNAMIR's mandate. However, in his Government's view, it was clear under the terms of UNAMIR's present mandate that it would end in December. He added that the onus was on the United Nations to inform the Rwandese Government of the need to change the present assumption. The United Nations would be expected to give reasons for continuing the mandate or for altering it. He agreed with the SRSG that it was unacceptable to many members of the United Nations to allow UNAMIR to remain in Rwanda for the sole purpose of protecting United Nations agencies. He insisted that he still viewed UNAMIR's role as being that of an assistance mission, in addition to the security aspects of its mandate. As regards the requirement, he explained that this request was being made as a matter of principle and not for purposes of hastening UNAMIR's departure from Rwanda. He added that in the absence of a list of UNAMIR equipment, his Government was willing to assist the United Nations by providing a list of its requirements, so that it would not be offered equipment it did not need. In this respect, he stated that his Government would make a request to the Secretary-General and members of the Security Council that some of the United Nations rules be adjusted to meet Rwanda's needs.

5. The SRSG assured the Government representatives that he would convey the message given to New York and that every effort would be made to assist Rwanda's genuine requirements. He added that it appeared there was a common understanding between the United Nations and the Rwandese Government that UNAMIR's mandate would end on the 8 December, but that the Security Council's position had yet to be clarified. The SRSG and Mr. Dusaidi both agreed that it was now up to the Security Council to take the initiative on the issue.

6. The SRSG also expressed his concern over certain instances whereby the Rwandese authorities had been overly zealous vis à vis UNAMIR staff in their efforts to maintain internal security (such as at road barriers near UNAMIR compounds and at the airport). Mr. Dusaidi assured the SRSG that this appeared to be a purely administrative problem and that he would look into the matter.

7. Mr. Dusaidi ended the meeting by inquiring about the modifications to the Status of Mission Agreement (SOMA) proposed by the Rwandese Government. The SRSG responded that there did not appear to be much point in negotiating a new agreement if UNAMIR's mandate would be ending soon, and that some concerns had been raised in UNNY regarding the modifications proposed, but that a final decision had yet to be made. Mr. Dusaidi added that negotiations on the SOMA would be taken up in New York.


Mr. Claude Dusaidi
Date: 7/11/95


Mr. Shaharyar M. Khan
Date: 3-11-95



**OUTSTANDING ISSUES BETWEEN THE GOVERNMENT OF RWANDA AND
THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA**

The following is a summary of the status of certain issues which remain to be resolved between the Government of Rwanda and UNAMIR:

Payment of communications dues

A cheque for over 7,000,000 Rwandese francs issued to the Ministry of Transport and Communications was picked up from the UNAMIR cashier's office on 14 March 1996 by the Director-General of Rwandatel.

Payment of repair charges for premises used

UNAMIR is currently processing for payment the estimates made for repair work on Government property which it has occupied.

Petro-Rwanda

Rwanda Petrol Gaz has been paid rent for use of one of its sites up to 31 December 1995. The cost of repairs to the location has been agreed upon and the owner has signed the necessary release documents. The Company has been notified of termination of its contract with UNAMIR on 28 February 1996, and rent for the period 1 January 1996 to 29 February 1996 will be paid shortly.

Hospital occupied by the Australian contingent (Kigali Central Hospital)

UNAMIR made a commitment to repair the facility instead of paying rent for its one-year use of the facility. All parties (the Ministry of Public Works, the Hospital and UNAMIR) have agreed to UNAMIR's estimate of repairs costing approximately US\$70,000.

University of Butare

An offer of US\$12,000 per month (US\$66,000 total) was made to and accepted by the University for rental of the premises used by UNAMIR troops for the period 1 September 1994 to 15 February 1995. The University is claiming US\$72,101 worth of repair work, whereas UNAMIR's estimate, following a survey of the premises, is US\$3,957. UNAMIR has yet to receive the University's acceptance of this lower proposed estimate.

ETO School, Kigali

The facility was occupied by UNAMIR's Belgian contingent in 1993 before the outbreak of war in Rwanda. The estimated cost of repairs is US\$4,060. Approval of the estimate is being processed.

Amahoro Stadium

UNCHS (Habitat) is executing the project in accordance with the project document signed with the Rwandese Government. It should be noted that this project only covers damage mainly or partially attributable to UNAMIR's use of the Stadium. UNAMIR is not responsible for any other repairs or rehabilitation.

ORTPN (Hotel Méridien Izuba at Gisenyi)

In the absence of a formal contract between UNAMIR and the Hotel, UNAMIR personnel occupied its rooms on an individual basis from August 1994 to February 1995. Due to the deplorable condition of the hotel and its surrounding premises, UNAMIR personnel had to clean and restore the premises in order to render them habitable. As a result of these contributions, the Prefect initially decided not to charge rent until October 1994, following which, and according to an understanding reached between UNAMIR and hotel management, an individual occupying a room paid his/her bill directly to the then hotel manager, for which receipts were issued. If there are any outstanding bills for UNAMIR personnel, these should be brought to the attention of UNAMIR for appropriate action.

In addition, four rooms were used for operational purposes for which UNAMIR was responsible for the bills. It has, however, been understood that the significant cost of rehabilitating the premises would fully offset the rental cost demanded by the owner of these rooms. Should this matter remain in dispute, UNAMIR is prepared to discuss its bills separately from other individual bills.

1000 Hills Car SARL

UNAMIR rented a minibus from this Company from 22 December 1993 to 22 March 1994. Upon termination of the contract, the Company's managing director undertook to collect the vehicle from UNAMIR on 28 March 1994. However, there is still a dispute regarding the party responsible for the missing vehicle upon termination of the contract in light of the security situation at the time. UNAMIR is devising procedures for settling this dispute, as well as others of a similar nature arising from the force majeure conditions prevailing at the time.

SONARWA

All documentation, including written confirmation by SONARWA of the effective date of the insurance coverage, pertaining to this claim was only recently completed. SONARWA initially refused to process the first claims submitted by UNAMIR, because they claimed that they did not have a complete and detailed list of the vehicles involved, despite the fact that they had been notified of the number such vehicles at the time they had been invited to bid for the contract.

Social Security

Social security taxes for Brown & Root local employees for 1994 and 1995 were paid on 1 March 1996. The amount due for 1996 is currently being calculated and processed.

14 March 1996



**JOINT MEETING BETWEEN THE RWANDESE GOVERNMENT AND UNAMIR
HELD ON 3 OCTOBER 1995**

1. On 3 October 1995, a meeting was held between senior officials from the Rwandese Government and UNAMIR to discuss the proposed modifications to the Status of Mission Agreement (SOMA) submitted by the Government of Rwanda, as well as other aspects of UNAMIR/Government relations. The following were present:

Government

Mr. Claude Dusaidi	Office of the Vice-President
Lt. Col. Karenzi Karake	Ministry of Defence
Maj. Kamarade Kayitare	RPA Liaison Officer
Mr. Jean-Marie Byakweli	Ministry of Rehabilitation and Social Integration
Mr. Higirow Thaddee	Ministry of Foreign Affairs

UNAMIR

Mr. Shaharyar M. Khan	Special Representative of the Secretary-General
Maj. Gen. Guy Tousignant	Force Commander (departed early)
Ms. Susan Matthew	Chief Administrative Officer
Col. Shiva Kumar	Chief of Staff
Mr. Mamady Condé	Senior Political Affairs Officer
Mr. Mtshana Ncube	Administrative/Legal Officer
Mr. A.B. Sidique Dao	Humanitarian Affairs Officer
Ms. Ladan M. Rafii	Political/Legal Officer

2. The SRSB began the meeting by thanking the Rwandese Government representatives for agreeing to the minutes of the previous meeting prepared by UNAMIR.

3. Mr. Dusaidi emphasised the role of UNAMIR as an assistance mission and stated that the interpretation of UNAMIR's assistance role should be the subject of the discussions. With regard to the extension of UNAMIR's mandate in Rwanda, he stated that it would be premature to discuss the subject at this point in time, and that such a decision would ultimately rest with the Security Council and the Government of Rwanda. He further stated that his Government was in the process of contacting, directly, Governments which had contributed equipment to the United Nations, including maps, documents and other material which could be of use to the Rwandese Government. He also wished to discuss issues pertaining to UNAMIR local personnel (such as their benefits and the particular sectors in which they are working). Concerning his Government's proposals for modifications to the SOMA, he stated that he expected a response on the part of the United Nations "very soon."

4. With respect to UNAMIR's mandate, the SRSG mentioned that it was important to identify the Government's expectations regarding UNAMIR's role in the period preceding the termination of its current mandate on 8 December 1995. He stated that UNAMIR had carefully complied with Security Council resolution 997 (1995) in reducing its force level to 1,800 by the specified date of 8 October 1995. He recommended that the Government of Rwanda take full advantage of the remaining two months of its term on the Security Council to decide upon UNAMIR's future mandate. Specifically, he stated the need for broad guidelines at a later date on whether UNAMIR should begin phasing out now or whether it should do so immediately after the termination of its current mandate and thereby maintain the current level of troops in the interim period.

5. The SRSG added that by mid-October UNAMIR would be able to present the Government with a list of equipment it has available.

6. On the SOMA, the SRSG acknowledged receipt of a paper from the Office of the President outlining proposed modifications. Although he stated that it was necessary to obtain a response from United Nations Headquarters in New York regarding the proposed changes, he wished to convey UNAMIR's preliminary position on the matter. He stated that the modifications sought by the Rwandese Government fell within three separate categories:

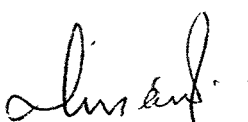
- (1) those which were very difficult to accept because they would result in UNAMIR having fewer privileges and immunities than other peace-keeping missions in the world and other United Nations agencies operating in Rwanda;
- (2) changes which were based on the Government's concern for its sovereignty in which the main difficulty involved a question of language (e.g. identification cards, uniforms, provisions and supplies); and
- (3) other less substantial matters (such as the flying of flags).

The SRSG proposed the formation of a subcommittee of officials charged with legal matters to discuss such issues and finalize the SOMA. He also agreed to prompt action in this respect.

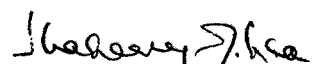
7. With regard to the issue of local UNAMIR personnel, the SRSG assured the Rwandese Government representatives that UNAMIR would cooperate fully in providing them with the information requested by furnishing a list of names of such employees, including their place of work and functions.

8. However, the SRSG expressed concern over the recent disappearance of a local journalist who had been working for UNAMIR, Mr. Manasse Mugabo, and sought the Government's assistance in locating him. He reassured the Government participants that UNAMIR would not prevent the detention of any of its local employees against whom the Government presented clear evidence of complicity in a crime, as had been the case with the other twelve local nationals who had formerly worked for United Nations agencies in Rwanda and who were currently incarcerated. The SRSG added that the media would be asking questions about Mr. Mugabo. Col. Karake demanded information in order to assist in tracing the journalist.

9. The meeting ended with a discussion of UNAMIR's assistance role according to its current mandate. Mr. Dusaidi stated that the language in the mandate was quite clear on this issue, namely "UNAMIR will... [s]upport the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining". In response, the SRSG mentioned that although he would personally favour a more active assistance role for UNAMIR, he believed that the language in the mandate implied that UNAMIR should assist other United Nations agencies in the provision of humanitarian assistance, but that it could not assume such a role by providing direct aid itself. Following a discussion of the precise language of resolution 997 and use of the word "faciliter" in the French version of the text, Mr. Dusaidi stated that UNAMIR had the necessary leeway to do more in terms of assistance to Rwanda.



Mr. Claude Dusaidi
Date: 11/10/95



Mr. Shaharyar M. Khan
Date: 11.10.95

DRAFT MINUTES

MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The **fourth** meeting of the Joint Commission to review UNAMIR's mandate was held on Monday, 8 May 1995 at 10 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were Co. Frank Mugambage, Chef du Cabinet (Leader) Minister of Defence; Mr. Nyandwi Tharcisse, Counsellor, Prime Minister's Office; Mr. Telesphore Kagaba, Counsellor, Ministry of Foreign Affairs and Cooperation; Mr. Felix Bagambiki, Counsellor, Ministry of Foreign Affairs and Cooperation; Mr. Faustin Musare, Director of Cabinet, Minister of Interior; Lt. Joseph Ndahiro, Liaison Officer to UNAMIR, Ministry of Defence.
2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda (Leader); Col. T. S. Sivakumar, Chief of Staff; Mr. Samuel Buo, Acting Executive Director; Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. Ike Minta, Legal Adviser.
3. The Special Representative summarised the discussions by stating that Rwanda contentions were as follows:
 - (a) The mandate ended on June 9th. If no further mandate was agreed to the only issue was to finalise the withdrawal. A fresh mandate would need to

reflect the qualitative change in the ground situation.

(b) The UNAMIR force strength was excessive as it (i) derogated from Rwanda's sovereignty, (ii) acted as a parallel force in the country and (iii) was redundant.

4. Responding, the Special Representative had stated there was indeed a changed context and that UNAMIR did not wish to perpetuate or impose itself in Rwanda. UNAMIR had no political agenda in Rwanda. The objective in these consultations was to find common ground and if that were possible the Security Council would be able to decide on a new mandate with greater ease. If not, Rwanda was free to negotiate directly with the Security Council.

5. Col. Mugambage had raised a number of criticisms against UNAMIR. However, UNAMIR's presence in Rwanda had surely not been completely negative. Much of UNAMIR's contribution was intangible and could not be measured in dollars and cents. Some of the following elements were part of UNAMIR contribution to bringin stability and security to Rwanda:

(a) The peaceful, incident free take-over from Operation Turquoise when everyone expected another Goma like crisis;

(b) The normalisation achieved in towns and villages;

(c) The support for Rwanda at the Geneva Round Table;

(d) The successful cooperation in Operation Hope and Operation Retour;

(e) The Gersony report contradiction;

(f) The sense of confidence that UNAMIR's presence provided to returning refugees and IDPs.

6. The Special Representative added that even if common ground was found the current campaign of vilification against UNAMIR was causing serious concern in the United Nations. It was not the demonstrations that bothered the Special Representative, it was the officially approved harassment that UNAMIR was experiencing in its daily activities. For instance, UNAMIR diesel supplies had been confiscated, helicopters were being circumscribed, telecommunication links were being restricted and a general atmosphere of non-cooperation and harassment was preponderant. Over the past weekend three cars had been hijacked by people in uniform carrying AK-47 rifles. If this attitude continued it would be better to close down completely. A new mandate would require this "UNAMIR bashing" to stop and be reversed.

7. The Special Representative stated that apart from the general aura of confidence that UNAMIR created in Rwanda which helped in bringing about stability and normalisation in the country, the future mandate was expected to envisage the following tasks:

- (a) UNAMIR was obliged to protect the International Tribunal and its staff, Human Rights Monitors, United Nations Agencies, their offices and personnel and UNAMIR personnel and property;

- (b) UNAMIR was also obliged to contribute to the security of humanitarian convoys;

- (c) If the Government of Rwanda requested, UNAMIR could undertake to monitor the borders with neighboring countries specially those borders where armed incursions had been detected. This could be achieved by deploying military observers;

- (d) UNAMIR could provide assistance in establishing security corridors and

transit camps to returning refugees. This task was foreseen in the Trilateral Agreements signed by Rwanda at Bujumbura and at the Nairobi summit;

(e) demining;

(f) training of gendarmes and comunal police.

9. Finally the Special Representative referred to the supporting role UNAMIR could continue to play in the social and economic rehabilitation of the country as a follow-up to the UNDP Round Table.

10. Col. Mugambage, thanked the Special Representative for his summary. He wished to place on record that the Government of Rwanda appreciated the positive contribution that UNAMIR had made to the country. He also explained that it was the opinion of the Government that UNAMIR's formed contingents did not have a role to play, in fact , they were redundant.

11. Regarding acts of hostility against UNAMIR and more specifically armed robberies, Col. Mugambage denied that the RPA had any part in it. As regards negative propaganda, the context had to be looked at specially the role that the international community played during the genocide. It was a fact that UNAMIR provided a false sense of security to those attempting to escape the genocide.

12. Col. Mugambage then referred to UNAMIR's new mandate. He understood that it was up to the national security organs to provide protection to United Nations officials and agencies. However he also agreed that the United Nations also had a responsibility to provide security. Perhaps a limited

number of guards could accomplish that task. As to providing security for convoys by way of escorts it would depend on the numbers that would be required to perform that function. He also believed that it was the role of the Government to provide such type of security.

13. Col. Mugambage then referred to the border monitoring tasks outlined by the Special Representative. In his opinion such monitoring should be carried out where the trouble originated, such as in Zaire and Tanzania. It was a known fact that criminal activities were transpiring not in Rwandese soil, but in the Goma and Bukavu camps. These criminal activities had regional repercussions.

14. As to security corridors, it was his understanding that these corridors would be established in Zaire where refugees were not safe. One should avoid any mention of security which relates to Rwanda since there were no such problems in the country.

15. Regarding the training of gendarmes and communal police, the Government of Rwanda saw this as a technical compliment to the Rwandese efforts in establishing its own programmes. It was the responsibility of the Rwandese to determine its own needs and in this context the design of the curriculum could be done jointly with the Government.

16. Col. Mugambage welcomed the offer by the Special Representative to provide support in the rehabilitation of Rwanda. He had understood that this work would be carried out primarily by the United Nations Agencies.

In conclusion, Col. Mugambage indicated that these were his preliminary views on the subjects the Special Representative had outlined, and that he would be consulting with his colleagues. It would be easier if by the next meeting certain working groups would be assigned to refine details of the proposal.

17. The Special Representative thanked Col. Mugambage for his preliminary remarks which would be conveyed to New York. He pointed out that while it was true that the United Nations agencies were the executing partners in the rehabilitation process of Rwanda, the Government of Rwanda had to optimize these resources and it was clear that Rwanda was still not ready to absorb such assistance. Where UNAMIR could help was in the intermediary phase which did not overlap with the Round Table but which facilitated the readiness to absorb the assistance.

18. He also wished to clarify that UNAMIR was constitutionally required to provide protection to operations such as the Tribunal and human rights. Secondly, the provision of security for humanitarian convoys would be the responsibility of the government, however, should the government feel that it was unable, UNAMIR should have the reserve personnel required to carry out that task. The Special Representative took note of the important political point raised by Col. Mugambage regarding the monitoring of militarisation in refugee camps.

19. The Special Representative further explained that security corridors were seen as a preventive measure against intimidation. The same applied for transit centres.

-7-

20. It was agreed that the next meeting would be held on Thursday, 11 May 1995 at 10 am.

Isel Rivero, SA/SRSG/UNAMIR

Faustin Musare, CC/MI/RW

J. Minta
Your info.
Her.
5-5-95

DRAFT MINUTES

MEETING OF THE JOINT PRESIDENTIAL COMMISSION

1. The ~~second~~ meeting of the Joint Commission to review UNAMIR's mandate was held on Tuesday, 2 May 1995 at 10 am at the Rwandese Foreign Ministry. Representing the Rwandese Delegation were Col. Frank Mugambage, Chef du Cabinet (Leader), Minister of Defence; Jean Damascene Ntakirutirana, Director of Cabinet, Prime Minister's Office; Fuastin Musare, Director of Cabinet, Minister of the Interior; Thareisse Nyanduri, Services of Prime Minister; San Nkusi, Ministry of Transport and Communications (Rwandatel); Felix Bagambiki, Chef de Division, Ministry of Foreign Affaris; Lt. Joseph Noahiro, Liaison Officer to UNAMIR, Ministry of Defence and Telephore Kagaba, Information Officer, Ministry of Foreign Affairs.
2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General of the United Nations for Rwanda (Leader); Col. T. S. Sivakumar, Chief of Staff; Samuel Buo, Acting Executive Director; Isel Rivero, Special Assistant to the Special Representative; Ike Minta, Legal Adviser.
3. Col. Mugambage stated that he would be leading the Rwandese Delegation in

the absence of Mr. Gassana, who was out of the country for a week. He also indicated that he had invited Mr. Sam Nkusi from the Ministry of Transport and Communications to explain problems related to communications issues. Following Mr. Nkusi's presentation, Col. Mugambage indicated that he would introduce his government's views on UNAMIR's mandate.

Communications and Telecommunications

4. Mr. Nkusi stated that after the war ended, the Government had developed regulations and guidelines governing the use of communications and telecommunications equipment in Rwanda. These were now approved and it was expected that international and national organizations operating in Rwanda should comply with them. The Government did not intend to restrict the use of equipment or of frequencies but wanted to organize them in a proper framework. This was in keeping with international practice.

5. UNAMIR alone was using over 100 frequencies. Agencies and NGOs also had their own frequencies. Last week the Government had completed its survey and called a meeting of all frequency users in order to explain the Government's position. Unfortunately when this subject was brought up, it was taken as "UNAMIR bashing". A similar situation arose when the Government asked UNAMIR to vacate certain areas or to allow access by the Government officials to inspect sites where UNAMIR had installations.

6. On a positive note, he wished to inform the meeting that the Government had released the communications equipment which had been held up at the airport. The delay in the release had been due to the fact that the

Government had not completed its survey.

7. Mr. Nkusi added that in its VHF and national communications, UNAMIR intended to introduce a system which by-passed Rwanda's national facilities. It was also five times more expensive. He asked if this policy was justified.

8. The Special Representative took note of Mr. Nkusi's observations and made the following comments:

(a) UNAMIR understood Rwanda's efforts to bring order in a chaotic situation after the war. It was Rwanda's sovereign right to regulate the frequencies in accordance with its priorities. UNAMIR would conform to these general principles.

(b) However, in the absence of any regulations, UNAMIR had been working on frequencies that it was now required to change. While UNAMIR would make the necessary technical adjustment, the Special Representative expressed the hope that Rwandatel would help UNAMIR in making minimum changes to avoid dislocation and sufficient time to make the adjustments.

(c) UNAMIR had certain rights under the Status of Mission Agreement which needed to be respected. For instance, access to its telecommunications sites would not be denied but prior notice was required to be given. The remaining issues raised by Mr. Nkusi would be discussed further and it was agreed that a technical subcommittee on communications should be appointed to resolve the issues.

9. As regards difficulties with United Nations Agencies, the Special Representative stated that he would advise to cooperate with Rwanda¹.

Mandate

11. Col. Mugambage stated that on June 9th, UNAMIR's mandate would be completed. The Rwandese Government considered that in view of the changed context from the time the mandate was initially conceived, the Joint Commission should address itself to two issues:

- (a) The practical steps to facilitate the withdrawal of UNAMIR
- (b) The identification of elements of the mission which would require extension.

12. Elaborating, Col. Mugambage stated that in the political context of Rwanda today, UNAMIR's role was irrelevant. UNAMIR I had been deployed to supervise the implementation of the Arusha Accords which were, at best, dormant. UNAMIR II was mandated to provide security but this role was increasingly the responsibility of the national government. Today the Rwandese Government had sovereignty over its territory, an administrative structure and its own security organs. These institutions could take over the responsibilities that UNAMIR II was tasked to implement. He added that it was difficult for the Government to justify the need for a large UNAMIR force carrying out duties parallel with national security forces. The continuation of the presence of these forces would cause conflict, and while the country was facing an arms embargo a large UNAMIR force compromised national sovereignty.

13. Secondly, the size of UNAMIR's military component provided false confidence to those who resisted the mainstream of change. Kibeho was a blatant example of how people had collected arms and were intent on perpetuating the elements of Operation Turquoise.

14. A large UNAMIR contingent also created socio-economic problems. For instance, all UNAMIR personnel claimed diplomatic immunity, occupied prime housing and competed with the population for facilities. This created friction.

15. Col. Mugambage referred to the assistance element of UNAMIR's mission. He asked how precisely UNAMIR assisted Rwanda. According to his information UNAMIR was spending US\$1.2 million per day. Did Rwanda gain anything from this expenditure? It was true that UNAMIR had repaired bridges and performed some de-mining but considering the totality of United Nations expenditure, there was scarcely any tangible results to show for its presence. Col. Mugambage concluded that at the next meeting he would give the Government's views in a written paper.

16. The Special Representative thanked Col. Mugambage for his remarks and welcomed the fact that the discussion on the mandate had started. His comments would be conveyed to New York for a response. The Special Representative looked forward to Rwanda's written paper.

17. The Special Representative stated that he wished to clarify a matter that had been raised by the President and Vice President with the Special Envoy of the Secretary General, Mr. Aldo Ajello during his recent visit. The Permanent

Representative of Rwanda at the United Nations, New York, had reported a purported conversation with officials at New York Headquarters in which it had been stated that the United Nations would impose UNAMIR's presence in Rwanda regardless of the government's wishes. The Special Representative wished to place on record that this information was incorrect. As stated by Messrs. Ajello and Annabi, UNAMIR was in Rwanda under Chapter VI of the United Nations Charter, which meant that UNAMIR was present at the request of the Government. This also meant that the United Nations would respect the views of the government bearing in mind Security Council considerations. There was no desire to impose any formula on the Rwandese Government.

18. A second point which the Special Representative wished to make was that the United Nations had no political agenda in Rwanda. UNAMIR was present only to assist the Government and people of Rwanda.

19. Commenting on the assistance provided by UNAMIR to Rwanda, the Special Representative stated that the evaluation of UNAMIR's contribution to the country could not be measured in tangible terms of dollars and cents. The provision of security or the creation of conditions leading up to a stability and reconciliation were not quantifiable in terms of money. The Special Representative also remarked that while it was true that sometimes the large presence of international personnel might lead to social and economic friction, it was also true that benefits accrued from their presence.

Bilateral Matters

20. The Special Representative then referred to the arrest of Rwandese

nationals who work for United Nations agencies. He provided a list to Col. Mugambage with the suggestion that these 17 cases be looked into on the basis of priority. He also requested that in the future, the United Nations agencies be given prior notice before arrest of local employees.

21. Col. Mugambage indicated that the Special Representative's request would be examined carefully bearing in mind the normal screening process of the Judiciary.

The meeting rose at 11:45.

Isel Rivero, SA/SRSG, UNAMIR

Faustin Rusare, CC/MI/RW

UNAMIR'S PRESENT MANDATE

Under Resolution 965 of 30 November 1994, the Security Council decided that UNAMIR'S MANDATE SHOULD BE EXTENDED TO 9 JUNE 1995 AND THAT IT WOULD CONTINUE TO PERFORM THE FOLLOWING TASKS:

- a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;
- b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;
- c) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement.

Resolution 965 also expanded UNAMIR's mandate to include the following:

- d) Contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali;
- e) Assist in the establishment and training of a new, integrated, national police force.

R~ RINTA

The meeting scheduled
at 10,00 am at the Foreign
Ministry is maintained.

Latifa

23/4 - 9.00 am.

28 APRIL 1995

SRSg

THESE MINUTES REMAIN A DRAFT UNTIL FAUSTIN RUSATIRE CONSULTS WITH HIS PEOPLE AND HAVE THEM APPROVED.

WE WILL OBTAIN ALL THE NAMES AT THAT TIME. THEY DID NOT PROVIDE THEM.

I UNDERSTAND THAT CONDE IS LEADING THE UNAMIR GROUP AND THAT CHRISTEN IS THE SECRETARY. I HAVE NOT BEEN INFORMED IF I AM TO ATTEND TOO.

ISEL

lh-

CC. MR. MINTA ✓

DRAFT MINUTES

MEETING OF THE JOINT PRESIDENTIAL COMMISSION

1. The first meeting of the Presidential Commission to review UNAMIR's mandate was held on Tuesday, 25 April 1995 at twelve noon at the Rwandese Foreign Ministry. Representing the Rwandese Delegation were Mr. Emanuel Gasana, Head of Delegation and Chef du Cabinet, President's Office; Mr. Faustin Rusare, Chef du Cabinet, Minister of Interior; Mr. Felix Bagambiki, Chef de Division, Information, Documentation and Archives, Ministry of Foreign Affairs; Mr. Thacite Nyandwi, Prime Minister's Counsellor; Mr. Jean Damascene, Director of Cabinet, Prime Minister's Office; Major Frank Kamanzi, Liaison Officer with UNAMIR, Ministry of Defence;

2. UNAMIR was represented by Ambassador Mr. Shaharyar Khan, Special Representative of the Secretary General of the United Nations for Rwanda; Major General Guy Tousignant, Force Commander; Mr. Hedi Annabi, Director, Africa Division, Department of Peace Keeping Operations, United Nations; Mr.

Samuel Buo, Acting Executive Director, Office of the Special Representative;
Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. I.
Minta, Legal Adviser of the Special Representative.

3. After an exchange of greetings both sides expressed their desire to address the issue of a new mandate for UNAMIR in a spirit of cooperation and friendship. Ambassador Khan and Mr. Annabi underlined the importance of completing the consultations before mid May. They also requested the Rwandese side to state their views on the new mandate underlining the fact that UNAMIR was in Rwanda at the request of the sovereign government.

4. Mr. Gasana expressed the hope that discussions on the future role of UNAMIR would not be conditioned on what the Security Council considered palatable; rather the government and people of Rwanda would seek to enlist the assistance of the Security Council to redefine UNAMIR's role after June 9th. Mr. Gasana suggested that in view of the timetable the meetings should be more intensive. He also proposed that technical sub-groups could meet separately to speed up the negotiating process.

5. Ambassador Khan suggested that apart from the mandate the two sides could also discuss issues between UNAMIR and the Government that quantitatively were leading to unnecessary friction and that could be resolved expeditiously. Mr. Gasana agreed to this suggestion.

The Mandate

6. The following points were agreed to:

(a) the Joint Commission agreed to meet three times a week, at 10 a.m. on Mondays, Thursdays and Saturdays, and took note that the recommendations pertaining to the new mandate for UNAMIR would have to be ready by the middle of May bearing in mind the United Nations time table for the submission of reports to the Security Council. They also agreed to technical sub-group meetings when necessary.

(b) Mr. Gasana indicated that he would convey the Rwandese Government's position at the next meeting of the Commission.

Bilateral Issues

7. Ambassador Khan stated that the most important problem that was vitiating relations between the two sides was the implementation of the Status of Mission Agreement by the Government. Other problems such as accommodation, alleged payment of property rental to criminal elements, communications and negative propaganda by local media were raised in outline by Ambassador Khan.

8. Mr. Gasana, stated that the Government recognized the SOMA. He wished to indicate, however, that sometimes the Government did not have the capacity to implement in detail the privileges and immunities of over five thousand UNAMIR officials. Contraventions to the SOMA should not therefore be seen as deliberate.

9. He indicated that the problem of accommodation was well known and that the Government would seek a solution once the future number of UNAMIR forces and its mandate were known. Regarding payment of property rental, a law was being discussed by the National Assembly which would provide the legal framework to UNAMIR and other agencies to effect payments. Finally in response to the negative propaganda directed to UNAMIR by some local media sources, Mr. Gasana remarked that the root causes had to be investigated specially its social dimensions. On the communications issue he said that he would be consulting his colleagues and would revert to the issue at a later meeting.

The meeting rose at 13:30.

Ise1 Rivero, SA/SRSG, UNAMIR

Faustin Rusare, CC/MI/RW

II. GENERAL INFORMATION

A. Background, mandate and organization of UNAMIR:

It will be recalled that, on 22 June 1993, the Security Council, by its resolution 846 (1993), authorized the establishment of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) on the Ugandan side of the border. UNOMUR is now fully operational.

In the same resolution, the Security Council also urged the Government of Rwanda and the Rwandese Patriotic Front (RPF) to conclude a comprehensive peace agreement.

On 4 August 1993, the parties signed a peace agreement in Arusha (Tanzania) and asked the United Nations to help them implement that accord.

Following the signature of the Peace Agreement, the Secretary-General sent a reconnaissance mission to Rwanda in August 1993 to examine the ways in which the United Nations could help the OAU - whose Neutral Military Observer Group (NMOG) had been supervising the cease-fire since August 1992 - and the parties implement that accord.

On 27 September 1993, the Secretary-General submitted a report to the Security Council recommending the establishment of a "United Nations Assistance Mission for Rwanda" (UNAMIR). The mandate of UNAMIR will be to contribute to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of the transitional government. The mandate also includes monitoring the process of repatriation of Rwandese refugees and the resettlement of displaced persons to verify that it is carried out in a safe and orderly manner and the humanitarian component of assisting in the coordination of humanitarian assistance activities in conjunction with relief operations.

The UNAMIR mission, which will be placed under the authority of the Special Representative of the Secretary-General, will be deployed for the duration of the transitional period.

On 5 October 1993, the Security Council adopted resolution 872 (1993) authorizing the deployment in stages of UNAMIR for an initial period of 6 months. The mandate of UNAMIR, if extended, is expected to terminate following national elections and the installation of a new Government in Rwanda scheduled to occur by October 1995, but no later than December 1995.

A map of Rwanda is attached in ANNEX A and a copy of resolution 872 is attached in ANNEX B.

B. Status of the Mission:

UNAMIR is a special, non-family mission. All staff will be given a mission subsistence allowance (MSA). The MSA will be discussed further on pages 28 and 29.

The mission has no facilities for dependants and the United Nations strongly discourages staff members from bringing dependants. Accordingly, the United Nations will neither authorize travel for such dependants nor make any other arrangements, such as securing visas, for them. Dependants who travel to the mission area do so at their own risk and expense, and the United Nations will not be held responsible for their welfare, living conditions, or security.

Staff members who have questions on such issues as family visit, home leave and an education grant should refer to the relevant paragraphs of the Staff Rules and Regulations, which take precedence over the information provided in these notes.

Generally, however, staff members regarded as international recruits who are serving outside their home country and are serving at duty stations designated as having very difficult conditions of life and work, which includes Rwanda, will be granted home-leave travel once in every 12 months. One of several qualifying conditions for this home leave is that the staff member's service with the Organization is expected to continue at least six months beyond the date of his or her return from this proposed leave. (SR 105.3, ST/AI/280/Rev.6, and ST/AI/280/Rev.6/Amend.2).

The exercise of the home leave entitlement may be advanced due to the exigencies of service and the personal circumstances of the individual staff member. In that case, the staff member may be eligible for accelerated home leave after six months, if all the other provisions are met. (SR 105.3, ST/AI/280/Rev. 6, and ST/AI/280/Rev.6/Amend.2).

A staff member's travel expenses for a family visit may be paid by the United Nations subject to several conditions, one being that the staff member's service with the mission is expected to continue at least six months after his/her return to the duty station. (Please refer to SR 107.1 (v) (b) (ii) and ST/AI/215/Rev.1).

Education grant benefits apply to Field Service personnel and other internationally recruited staff as well as to staff who are considered locally recruited at their official duty station when detailed to a mission from outside the area of the mission, provided that in each case the staff member is not a national of the country of the duty station and **the mission service is for a continuous period of six months or more.**

On non-family missions, no education grant travel is authorized to or from the mission area duty station.

The education grant will be payable only in respect of the staff member's period of actual service at the mission area duty station. The grant is pro-rated according to the length of the assignment vis-a-vis the school year and if certain other provisions are met. In addition, school attendance for children between ages 18 and 21 must be submitted for certification to the Chief Civilian Personnel Officer (CCPO) before transmission to the Pay and Allowance Unit. For more details on the applicability of the grant and the actual amounts, please refer to ST/AI/181/Rev.9/Amend.1 issued on 16 February 1993, SR 103.20, ST/AI/181/Rev.9, and ST/AI/280.