

[7 CONFIDENTIAL]

UNARCHIVES

SERIES 51120

BOX 15

FILE 8

ACC. 1998/0278



UNAMIR - MINUAR

UNAMIR

1996 MAR 28
OUTGOING CODE CABLE
A 11: 32

dn-cep 1/1

1996 MAR 28 A 11: 25

TO: ANNAN/GOULDING/MEDILI, UNATIONS, NEW YORK

INFO: KITTANI/GHAREKHAN, UNATIONS, NEW YORK

FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI

Shaharyar Khan

DATE: 28 MARCH 1996

NO.: MIR - 689

NO. OF PAGE: 1

SUBJECT: RWANDA - EQUIPMENT

1. Thank you for your code cable no. 856.

2. Reference paragraph 3, we have noted for compliance that equipment specifically earmarked for use in other missions and operations financed by assessed contributions would not be available to other Agencies, NGO's on re-imbursement. Nor would such equipment be available for possible purchase by the Government of Rwanda.

3. I have now conveyed to the Rwandan Government the broad outlines of the three way division of the equipment and its disposal, based on your code cable no. 804. I have underlined that final authority for disposal would depend on ACABQ approval.

Best wishes.

[Faint handwritten notes and signatures at the bottom of the page]

CNR-66 P1/2

OUTGOING CODE CABLE

UNITED NATIONS
CABLE OPERATIONS

MAR 25 A 9 54

UNAMIR
1996 MAR 25 P 4: 57

TO: KHAN, UNAMIR, KIGALI
INFO: KITTANI, DPKO, NEW YORK
GHAREKHAN, EOSG, NEW YORK
GOULDING, DPA, NEW YORK

FROM: ANNAN, DPKO, NEW YORK *Shick*

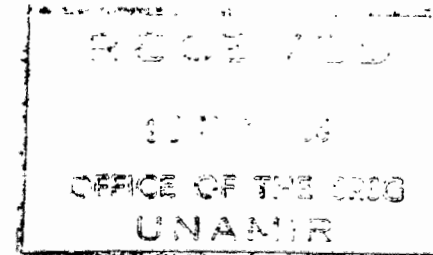
*Copy CAO
26-3-96*

DATE: 21 MARCH 1996

NO.: 856

NO. OF PAGES: 2

*Please put up
Betty cables when
mentioned. gr*



1. I refer to your code cables number 608 of 18 March and 626 of 21 March 1996 relating to the disposal of UNAMIR assets.
2. The report of the Secretary-General to the General Assembly on the issue of UNAMIR assets has now been finalized. You will note from paragraph 7 of the report that the Secretariat retains flexibility as regards final disposal of assets as may be dictated by evolving circumstances. Thus if it is the desire of UN Agencies, NGO's to acquire additional equipment against reimbursement they should be allowed to do so as previously indicated as long as such equipment has not been specifically earmarked for use by other missions and operations financed from assessed contributions.
3. We noted your reference to the desire of the Government to pay for some of the equipment which would not be retained for use in Rwanda. It would be much appreciated if further indications are provided as to the intention of the Government in this regard. Particularly we would need information on the categories and quantities of equipment which the Government of Rwanda desires to acquire. We will then be able to review the matter further and take it up with all offices concerned. The governing principle remains that the UN will not sell equipment which is required for other missions or operations financed from assessed contributions. If we were to sell such equipment we would have to go to

CNR-66 P2/2

the General Assembly with supplementary submissions to purchase equipment for other operations. This is not a course of action we can justify.

Best regards.

1996-03-25

15:01

TOTAL P.01
PAGE = 01

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

CRN 050

OUTGOING CODE CABLE

UNAMIR
1996 FEB 23 P 1:15

Vu
23-2-96
P1/4

TO: ANNAN/GOULDING, UNATIONS, NEW YORK
INFO: KITTANI/GHAREKHAN, UNATIONS, NEW YORK
FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI

Secretary-General

DATE: 23 February 1996

NO.: MIR 451

NO. OF PAGES: 4

SUBJECT: Equipment for Rwanda

UNAMIR
1996 FEB 23 P 1:31

1. Please refer to your code cable No.366 dated 7 February 1996.
2. I attach a draft response from the Secretary-General to the Rwandese Foreign Minister's letter.

Best wishes.

CPW 050
F/4

DRAFT

My Dear Foreign Minister,

Thank you for your letter dated 13 August 1995.

Regarding the issue of United Nations equipment, I regret not having replied to your letter earlier but I was aware of the fact that the Security Council was seized of the issue and had since referred to it in its Resolution S/1029(1995). Before responding to your request, I felt it was desirable to await the Security Council's guidance.

Allow me, at the outset, to state that the United Nations fully understand the considerations on which you have based your request. The devastation caused in Rwanda by the genocide in 1994, the fact that the country was left bereft of equipment and the need for Rwanda to have access to such equipment in order to accelerate the pace of national reconstruction and the resettlement of refugees is fully recognized and appreciated. Therefore, in consonance with the relevant paragraph of the Security Council Resolution, the United Nations Secretariat shall endeavour to respond positively to your request. The relevant paragraph states as follows:

"Requests the Secretary-General to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdraw, for use in Rwanda"

You will see that in giving broad direction on the issue, the Security Council has indicated the following conditionalities relating to the disposal of the equipment: a) that it should be non-lethal, b) that the disposal should be according to United Nations regulations, which are approved by the General Assembly and c) that the equipment should be 'for use in Rwanda'.

The General Assembly of the United Nations has approved certain guidelines for the disposal of assets following liquidation of peace-keeping operations. These guidelines lay down the following priorities that the Secretariat is obliged to follow:

- a) All equipment that meets the requirements of other United Nations operations and that 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".

These guidelines have been communicated to your government in writing, by my Special Representative during the discussions on UNAMIR's mandate in November/December 1995. We are, at present, engaged in examining how best, within the parameters of these guidelines, we are able to implement the Security Council's directive. You will appreciate that the rationale of the United Nations General Assembly's resolutions is that the disposal of the equipment which has been financed by Member States should be fully accounted for so that member states can, in turn, satisfy their respective constituencies.

Keeping in mind United Nations General Assembly Resolutions and Security Council's directives, the recommendations for the disposal of equipment are being actively examined by the Departments of Administration and Management and of Peacekeeping Operations. I assure you that in accordance with the Security Council's guidance, we shall endeavour to leave as much material for use in Rwanda as possible. I hope to be able to convey our preliminary conclusions to you within the next few days.

CPW050
P4/v

Meanwhile, some equipment that is contingent-owned or is urgently required by other peace-keeping operations needs to be transported out of Rwanda. I hope that your Government will ensure that there will be no delays or difficulties in transporting this equipment which does not, in any case, fall within the purview of equipment that is to be left behind in Rwanda.

Please accept, Mr. Foreign Minister, the assurances of my highest consideration.

Boutros-Boutros Ghali



UNAMIR

1996 FEB 21 A 8:35

OUTGOING CODE CABLE

CHN-046 1/8

TO: ANNAN/GOULDING/CONNOR, UNATIONS, NEW YORK

INFO: GHAREKHAN/MEDILI, UNATIONS, NEW YORK

FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI

Shaharyar M. Khan

DATE: 21 February 1996

NO.: MIR -428

NO. OF PAGES: 8

SUBJECT: Equipment issue in Rwanda

UNAMIR
1996 FEB 21 A 9:00

1. As we near the end of UNAMIR's mandate, the equipment disposal issue requires sensitive and urgent handling. In this report, I shall a) evaluate the data being sent with this report b) comment on the issues and c) make my recommendations from a political viewpoint.

A) Data Evaluation

The UNGA Resolution on Equipment

2. At the outset, it is important to re-state the existing General Assembly resolution A/Res/49/235 that regulate the disposal of peacekeeping equipment in the following 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.)

UN Security Council Resolutions

3. Next, the United Nations Security Council Resolution 1029(1995) paragraph 7 states as follows:

"Requests the Secretary-General to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdraw, for use in Rwanda".

4. This resolution has been followed up by a letter from the President of the Security Council to the Secretary-General No.S/1996/103, dated 13 February 1996 which states, inter alia: "The members of the Security Council urge you, in light of the unique circumstance and recent history of Rwanda, to employ flexibility, while staying within the bounds of the regulations established by the General Assembly, in resolving the question of the disposition of UNAMIR's equipment".

The data evaluated

5. Attached to this report are the following three data sheets sent to FALD by this Mission.
- i) Chart 'X' which states the equipment disposal chart in terms of original cost.
 - ii) Chart 'Y' which states the disposal chart of the same equipment in terms of depreciated value.
 - iii) Chart 'Z' which subtracts the lethal items from the table and therefore provides more accurate data and percentages of equipment that is eligible for disposal in Rwanda. The data for 'Z' is based on original cost and not on depreciated value.
6. The following are basic comments on the three Data Sheets:
- The vertical columns, referring to 10 broad equipment items, are divided into 3 categories of recipients. Group I consists of other peace-keeping operations and UN

offices (e.g. Tribunal and UN Office in Bujumbura). Items transferred to Group I would continue to be utilised by UN and not "sold" or transferred to any other organization. Group II comprises UN Agencies to whom equipment would be transferred against payment and Group III, refers to the government of Rwanda for equipment either transferred against payment or gifted as a write off.

The horizontal columns relate to:

- i) Column A - items already transferred to Group I, II and III above. These items of equipment are, therefore, no longer available in the equipment pool for disposal.
- ii) Column B - items in stock and available in the equipment pool for disposal.
- iii) Column C - items to be written off.

B) Comment on Data Sheets

7. As far as disposal of equipment to Rwanda is concerned, horizontal column A may be disregarded as it represents items that have either already been shipped out of the country or transferred to a UN Agency or loaned to the home government for appropriate adjustment on payment. Thus, this column (A) is not relevant to the future disposal of equipment as these items are not part of the pool of disposable equipment. Therefore, only items shown in categories B & C may be treated as part of the available pool of equipment. Column 'A's' relevance is essentially for accounting purposes and gauging the total amount of equipment sent to Rwanda. For the purposes of this report, Column A is virtually irrelevant.

8. Taking a closer look at Columns B and C - the available pool of equipment. It will be evident that when calculating the proportion to be kept by DPKO [i.e. column I of Group B], against the items to be transferred to the Rwandese [Column III Group B] the chart at X (i.e. original cost) gives a more equitable apportionment [i.e. 61%:13%:26%] than chart Y (depreciated value) [i.e. 80%:7%:13%] Chart 'Z' provides the most even apportioning of all [i.e. 54%:15%:31%]. Of course, Chart 'Y' (depreciated value) gives a more accurate picture of the equipments real apportionment.

9. Considering column B [Proposed Distribution Column] it will be seen that a heavy proportion of the equipment especially vehicles, communications and other equipment is being retained for DPKO [Group I]. For instance, in chart 'Z' vehicles add up to 6.4m out of a total of 9.8m; communications 6.2m out of a total of 6.3m and other equipment .652m out of .721m.

According to Chart Z, the balance in favour of Group I remains too heavily tilted in its favour and does not fall in line with the directives of the Security Council.

Recommendations 2.

10. The data on equipment included in the charts have been based on factual, administrative information. Taking an overall political view and particularly the recommendations of the Security Council on the issue, I have the following suggestions to make:

a) Equipment Allocation still appears too heavily weighted in favour of Group I as against the Groups II [UN Agencies] and Group III [Rwanda]. Surely some items from Group I [DPKO] can be transferred or "sold" to Group II [UN Agencies] for UN schemes/projects that require available equipment e.g. vehicles, communications, generators etc. at depreciated cost. Such a transfer to UN agencies would mean that i) the items are "sold" to UN Agencies, ii) are accountable to donor countries [ACABQ] and their tax payers, iii) saves UN money on transportation costs out of Rwanda and iv) enables UN Agencies to obtain serviceable equipment, immediately available at reduced cost, as compared to buying new equipment for their projects in Rwanda. Thus, this transfer from Group I to Group II would be cost-saving and would fulfil Security Council's directive of transferring equipment "for use in Rwanda".

11. Secondly, items shown in Group III [column B] should be written off and not sold to the government. In fact these items should be on the same footing as column C [write off]. Many of the items [in B, Group III] such as prefabricated houses cannot be moved except at a high-cost of dismantling and transportation. Similarly, most of the items in column B, Group III would be prohibitively costly to transport. While it may be true that these items could be auctioned in Rwanda, it would seem churlish to take this step and not hand over this equipment as a gift to Rwanda as a gesture of goodwill. I would therefore propose that the UNGA be approached to write off both, Column 'C' as well as Column B Group III.

12. In short, given the factors and considerations stated above, I submit the following recommendations.

a) Column B Group I may be reviewed. Only those items may be retained in this column which are absolutely vital for DPKO. The remaining items may be "sold" to UN Agencies [i.e. transferred to Group II of 'B'] against payment. These items would be

integrated into UNDP and UNHCR projects currently being launched and for which equipment is urgently needed. Therefore, a substantial movement [e.g. 20-30% of depreciated value] from B I to B II may be considered.

b) Items shown in B III may be gifted to Rwanda as their transportation and dismantling costs would be prohibitive. This column should be merged with Column 'C' for write off and gift to Rwanda.

c) I may be authorised to provide the Rwandan government with the list of B (I) whenever it is approved by the Secretariat. This would not mean conveying the entire list [i.e. B II, B III and C] but only one element [B I] which would serve as a basis for seeking transfer out of Rwanda. The list would be given with a written proviso that it could be altered at any time in case DPKO requires the material due to an emergency e.g. in Burundi.

d) I may be authorized to give a general, generic description of items and equipment available in Group II and III without providing a numerical list. This will enable the Rwandan government to know the type of equipment available for sale against Trust Fund financing.

13. The charts at X,Y and Z are based on a purely administrative assessment. It is now necessary to provide a political rationalisation to the equipment disposal issue based on the Security Council directive which would also meet the requirements of UNGA regulations. I would be grateful for immediate decisions on the above recommendations.

Best regards.

CP-1-046

27X

Amendement 3

B + C = 40.3
8.7(BIT)
6.1(C)
14.8 = 35%
of total

Office of CISD

7/8

CH-046

UNITED NATIONS ASSISTANCE MISSION IN RWANDA (UNAMIR)
DISTRIBUTION OF NON-EXPENDABLE PROPERTY (DEPRECIATED COST)

		GROUP I		GROUP II		GROUP III		TOTAL	
		TRANSFER	DPKO	UN AGENCIES	IOV	DISTRIBUTION	LOCAL		
A.	ALREADY DISTRIBUTED								
1	VEHICULAR EQUIPMENT	\$	4,479,713.93	\$	15,467.22	\$	43,436.59	\$	4,538,617.74
2	COMMUNICATIONS EQUIPMENT	\$	650,365.27	\$	121,151.50	\$	22,179.88	\$	793,696.65
3	ELECTRONIC DATA PROCESSING EQUIPMENT	\$	16,226.03	\$	5,833.97	\$	1,805.85	\$	23,865.85
4	ACCOMMODATION EQUIPMENT	\$	1,330,750.00	\$	45.00	\$	257.00	\$	1,331,052.00
5	AIR TRANSPORT EQUIPMENT	\$		\$	1.00	\$		\$	1.00
6	GENERATORS	\$	7,164.95	\$	47,921.48	\$	67,848.34	\$	122,934.77
7	FURNITURE AND FIXTURES	\$		\$		\$		\$	
8	OFFICE EQUIPMENT	\$	1,284.94	\$	4,249.54	\$	6,532.00	\$	12,066.48
9	DE-MINING EQUIPMENT	\$		\$		\$		\$	
10	OTHER EQUIPMENT	\$	269,863.15	\$	998.00	\$		\$	270,861.15
	SUB-TOTAL	\$	6,755,368.27	\$	195,667.71	\$	142,059.66	\$	7,093,095.64
B.	PROPOSED DISTRIBUTION								
1	VEHICULAR EQUIPMENT	\$	4,852,906.77	\$	806,475.01	\$	792,607.36	\$	6,451,989.14
2	COMMUNICATIONS EQUIPMENT	\$	2,646,679.50	\$	9,639.27	\$	29,216.99	\$	2,685,535.76
3	ELECTRONIC DATA PROCESSING EQUIPMENT	\$	380,144.55	\$	51,992.96	\$	100,790.14	\$	532,927.65
4	ACCOMMODATION EQUIPMENT	\$	72,041.58	\$	107,919.40	\$	476,883.29	\$	656,864.27
5	AIR TRANSPORT EQUIPMENT	\$		\$	30,111.20	\$		\$	30,111.20
6	GENERATORS	\$	438,299.71	\$	35,881.32	\$	328,628.06	\$	802,809.09
7	FURNITURE AND FIXTURES	\$		\$		\$		\$	
8	OFFICE EQUIPMENT	\$	194,489.38	\$	35,394.95	\$	44,282.20	\$	274,166.53
9	DE-MINING EQUIPMENT	\$	29,440.00	\$		\$		\$	29,440.00
10	OTHER EQUIPMENT	\$	3,012,565.11	\$	3,614.75	\$	10,402.92	\$	3,026,582.78
	SUB-TOTAL	\$	11,626,566.60	\$	1,081,048.86	\$	1,782,811.56	\$	14,490,427.02
C.	EQUIPMENT FOR WRITE-OFF								
1	VEHICULAR EQUIPMENT								
2	COMMUNICATIONS EQUIPMENT								
3	ELECTRONIC DATA PROCESSING EQUIPMENT								
4	ACCOMMODATION EQUIPMENT								
5	AIR TRANSPORT EQUIPMENT								
6	GENERATORS								
7	FURNITURE AND FIXTURES								
8	OFFICE EQUIPMENT								
9	DE-MINING EQUIPMENT								
10	OTHER EQUIPMENT								
	SUB-TOTAL								
	representing 80% of total								
	7.6%								
	12.4%								
	1.8 (BITI)								
	1.7 (C)								
	3.5 = 21.5%								
	B + C = 16.3%								
	1.729,612.71								
	1,729,612.71								
	23,313,135.37								
D.	GRAND TOTAL	\$	18,381,934.87	\$	1,276,716.57	\$	1,924,871.72	\$	23,313,135.37

8/8

Chw-046

Prepared by: MICHAEL HARTER

Office of CISS

CNR - 033 P1/7

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI
FROM: *for* KITTANI, UNATIONS, NEW YORK
DATE: 13 February 1996
NUMBER: 421

SUBJECT: Security Council consultations

RECEIVED

14 FEB 1996

OFFICE OF THE SRSG
UNAMIR

During informal consultations held yesterday, the President of the Security Council circulated two draft letters (copy attached) to the Secretary-General, in response to the progress report on UNAMIR and to the interim report of the International Commission of Inquiry. She informed Council members that, subject to their comments, it was her intention to address these letters to the Secretary-General shortly. We will keep you informed. In the meantime, please find attached, a summary of the discussions on Rwanda and on the report of the Commission of Inquiry during informal consultations of the Council held last Friday. The summary was prepared by the Council Secretariat. Regards.

Reçu le 14 FEV. 1996

p217

Draft Letter on UNAMIR progress report

The members of the Security Council have considered your progress report dated 30 January 1996 (S/1996/61 and A/50/868) on the United Nations Assistance Mission for Rwanda.

The members of the Security Council concur with your observation that the United Nations still has a useful role to play in Rwanda. They encourage you to undertake consultations with the Government of Rwanda, as well as with relevant United Nations agencies, on the appropriate nature of the role of the United Nations in Rwanda after the expiration of UNAMIR's final mandate period on 8 March 1996. Such a presence should assist the process of establishing and consolidating a climate of relative normalcy and stability. They look forward to receiving your next report in advance of 8 March 1996 containing your recommendations on the nature and mandate of a continued United Nations presence in Rwanda.

The members of the Security Council urge you, in light of the unique circumstances and recent history of Rwanda, to employ flexibility, while staying within the bounds of the regulations established by the General Assembly, in resolving the question of the disposition of UNAMIR's equipment.

p3/7

Draft Letter on the International Commission
of Inquiry

The members of the Security Council have asked me to thank you for your letter dated 26 January 1996 (S/1996/67) and for the interim report transmitted with it about the work of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces in violation of the Security Council arms embargo and allegations that those forces are receiving training to destabilize Rwanda.

The members of the Security Council underline the importance they attach to the work of the Commission, and to the investigations it is undertaking. They emphasize the need for those Governments which have not yet done so to respond to the Commission's inquiries. They note the particular importance of the cooperation of the Government of Zaire for the successful completion of the Commission's work and stress their expectation that such cooperation will be provided in accordance with Security Council resolution 1013 (1995).

The members of the Security Council look forward to receiving in due course the final report of the Commission requested in resolution 1013 (1995).

PROCEEDINGS OF THE SECURITY COUNCIL

P417

Friday, 9 February 1996

INFORMAL CONSULTATIONS

Rwanda

Delegations considered the progress report of the Secretary-General on UNAMIR (A/50/868-S/1996/61) as well as the interim report of the International Commission of Inquiry (S/1996/67).

Progress report of the Secretary-General on UNAMIR
(A/50/868-S/1996/61)

While noting with general appreciation the increasing signs of normalcy and stability in Rwanda and the improvement of that country's relations with most of its neighbors, all speakers expressed serious concern at the continuing stalemate in the process of national reconciliation and stressed, in particular, the slow pace of return of the Rwandan refugees despite the efforts of UNHCR, other UN humanitarian agencies and NGOs. Several speakers called on Rwanda and Zaire to make further efforts to live up to the obligations they had assumed at the Tripartite Commission meeting held on 20 December 1995.

Botswana agreed with the plans to shift UNHCR programmes from care and maintenance of refugees in countries of asylum to return and reintegration in the countries of origin. Briefing the Council on the refugee situation, Mr. Gharekhan said that, despite some recent reports, Zaire had not begun to close the refugee camps and to repatriate the refugees by force. Rumors to that effect, however, might have induced some refugees to agree to a voluntary repatriation, which might explain the slight increase in the figures of the repatriated refugees in the last few days.

Another issue raised by delegations was the reconstruction of the judicial system in Rwanda. It was emphasized that progress in that area could contribute to confidence-building and would encourage the voluntary return of refugees. The United Kingdom and the United States remarked, in that regard, that certain measures should also be taken to deal with the overpopulation in the prisons. The United States expressed the view that the establishment of a special commission to deal with that problem might prove useful. Further on the more general issue of the administration of justice, several members expressed appreciation that the International Criminal Tribunal on Rwanda had begun its work.

CNR - 033 P5/7

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On the future role of the UN in Rwanda following the expiration of UNAMIR's mandate on 8 March, a number of delegations, most notably Botswana and the United Kingdom, called on the Secretariat and, particularly, on SRSG Khan to negotiate the issue without delay with the Rwandan authorities. A number of delegations noted they would be expecting concrete suggestions by the Secretary-General in his report to be submitted to the Council prior to the expiration of UNAMIR's mandate. The Russian Federation requested in that connection that the report be issued well in advance to allow delegations enough time to study it. Mr. Gharekhan assured members that talks with the Rwandan authorities on the possible post-UNAMIR role of the UN in Rwanda would resume as soon as SRSG Khan arrived in Kigali. Turning to delegations' concerns that any action of the UN regarding its possible future role in Rwanda should meet with the approval of the Rwandan Government, he stated that the Secretariat would insist on a written request from Rwanda in order to avoid any misunderstanding.

Regarding reports that the Rwandan Government intended to levy taxes on contractors providing goods and services to UNAMIR, several delegations, including Botswana, the United Kingdom, Egypt and Germany expressed concern that such a decision would create a bad precedent with serious consequences for other UN operations. Mr. Gharekhan informed members that two senior Secretariat officials had traveled to Kigali and had held talks with the Rwandan authorities, maintaining that UN contractors and their expatriate personnel should be exempted from host country taxation on the grounds that they had been engaged solely in providing goods and services to UNAMIR. The Rwandan authorities had indicated that they would not insist on imposing taxes with respect to UNAMIR contractors. The UN had in turn undertaken to ensure that the contractors pay the social security taxes for locally recruited employees. They were also willing to pay for public utility services.

On the issue of the disposal of the non-lethal equipment of UNAMIR, several delegations stressed that any solution should not create a bad precedent for other UN operations. That consideration notwithstanding, some members, particularly the Republic of Korea, Egypt and Italy noted that, given the recent history and specific circumstances of Rwanda, the Council might consider a more flexible approach. It was suggested, inter alia, that a team of experts evaluate the cost of transporting the UNAMIR equipment to other missions in comparison with its present value. The United Kingdom remarked that UNAMIR could sell some of the equipment to UNDP, which, in accordance with its own rules and regulations, could dispose of it by handing it over to Rwanda as a gift. France, on its part, underlined that the equipment

96/7

3

was the property of the UN and should be disposed of in conformity with the rules set up by the General Assembly. On that issue, Mr. Gharekhan informed members that Rwanda had promised to clear the shipment of UNAMIR equipment destined to other UN missions.

Regarding the possible response of the Council to the Secretary-General's progress report (A/50/868-S/1996/61), the United Kingdom suggested that a short letter of acknowledgment would be appropriate. Although Germany expressed the opinion that the Council might wish to include some guidance for the Secretariat to show that the Council was of the view that the specific situation in Rwanda warranted a certain flexibility, an agreement emerged on the former suggestion. The President stated that she would draft and circulate such a letter with a view to sending it to the Secretary-General on Tuesday, 13 February, in the afternoon.

Interim report of the International Commission
of Inquiry (S/1996/67)

On the interim report of the International Commission of Inquiry (S/1996/67) submitted in pursuance of resolution 1013 (1995), Council members expressed great appreciation for the work of the Commission which had been carried out under particularly difficult circumstances. Most delegations expressed concern with the report's conclusions as well as with the future impact of continued arms flows to Rwanda and the Great Lakes region. Members expressed serious concern at the lack of cooperation by a number of countries, in particular Zaire, with the work of the Commission. The United States noted that her Government would like to see the Commission carry on with its investigations, particularly in Goma, Zaire and its environs. Her delegation found it unacceptable that, despite the clear and unequivocal language in resolution 1013 (1995), the Zairian authorities had obstructed the investigation. She noted that steps must be taken to resolve the difficulties encountered by the Commission. In that respect, the Republic of Korea, Botswana and others expressed support for the Commission's having rebuffed the Zairian Government's desire to renegotiate the terms of reference of the Commission and agreed with the Secretary-General's interpretation of those terms of reference (in paras. 36-38 of the report).

Taking note of the report, France stated that his Government would reserve its comments until the final report was presented to the Council. The United States, by contrast, did not support the Secretary-General's intention to submit the final report by the end of February, as her delegation felt that there was still

CNR - 033 P7/7

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"valuable work" to be completed by the Commission. Italy and the Republic of Korea expressed their preference to give the Commission more time to finalize its work. Botswana expressed hope that the final report would contain more information than the interim report.

Members of the Council agreed that it would be appropriate for the President, in response to the report, to address a letter to the Secretary-General expressing support for the Commission's work and calling on all countries to cooperate with its activities. The President stated that her delegation would circulate the draft letter, which had been prepared during the previous Presidency of the United Kingdom, for the approval of delegations. It was the intention of the Presidency to send the letter to the Secretary-General on Tuesday, 13 February. On the suggestion of Germany, supported by Egypt and the Russian Federation, it was also agreed that the President would call in the Ambassadors of Zaire and of other Member States which had been cited in the report for their lack of cooperation with the work of the Commission, with a view to seeking explanations for their actions and expressing serious concern of the members of the Council.

China took the view that certain points in the report did not agree with actual facts. He stated that his country had always abided by resolution 918 (1993) and had never supplied arms to Rwanda. He further stated that the allegations made by the NGO "Human Rights Watch" against China were "pure fabrication". His Government had already written to the International Commission refuting those "groundless accusations" which, he pointed out, had also been negated by the Rwandan Government following its own investigation.

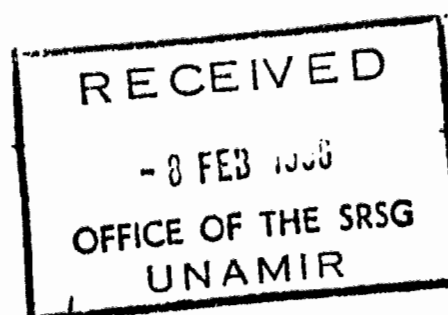
Mr. Gharekhan, providing an update on the activities of the International Commission since the submission of the interim report, informed the Council that members of the Commission had visited Burundi, Kenya and the Seychelles for meetings with Government officials. The Commission had also met with the South African High Commissioner in Nairobi to discuss matters arising from the Commission's investigations in the Seychelles. The Commission was also planning to visit Tanzania and Uganda. He stated that the International Commission had begun work on its final report which would also contain its recommendations, as requested under resolution 1013 (1995).

CNR-030 P1/1

UNITED NATIONS
OPERATIONS

01 FEB 1996

OUTGOING CODE CABLE



TO: KHAN, UNAMIR, KIGALI
FROM: KITTANI, UNATIONS, NEW YORK
DATE: 7 FEBRUARY 1996
NUMBER: 366

H. Kittani

*Copy = ED
APC
SAYCIS
8-II-96*

SUBJECT: UNAMIR equipment

1. You will recall that during your meeting with the Working Group on Rwanda on 6 February, it was agreed that we should reply to the letter of the Rwandese Minister for Foreign Affairs and Cooperation on the subject of transfer of UNAMIR equipment upon the closure of the mission.

2. In view of the sensitivity of the Rwandese on this subject, and since you have conducted most of the discussions with them on the equipment issue, we should be most grateful if you would prepare a draft letter, which you could submit to the Secretary-General for his signature.

Many thanks and best regards

FD

*Please copy to
Mr Zorrilla
and return original
8-2-96*

CRN 423 OUTGOING CODE CABLE

UNAMIR
1995 NOV 30 A 8:53

File

P1/6

TO : KITTANI, UNATIONS, NEW YORK
INFO : VAN KAPPEN, UNATIONS, NEW YORK
FROM : TOUSIGNANT, UNAMIR, KIGALI
DATE : 29 Nov 1995
NUMBER : MIR 66047
NO OF PAGES : SIX

Tousignant

SUBJECT : DISPOSAL OF UN OWNED AND MISCELLANEOUS ARMS,
AMMUNITION AND EQUIPMENT HELD BY UNAMIR

1. We have carried out a detailed study on the subject and deliberated issues case by case. We need to take an early decision on the disposal of UN owned and miscellaneous arms, ammunition and various items of equipment held by UNAMIR in view of the forthcoming end of the current mandate and the possible closure.
2. In the attached document are the lists of these items and the recommended disposal. Such disposal, we feel, will also contribute towards problem free evacuation of other attractive items of UN equipment.
3. An early decision will be highly appreciated.

Best Regards

UNAMIR
1995 NOV 30 A 9:00

**DISPOSAL OF UN OWNED AND MISCELLANEOUS ARMS.
AMMUNITION AND EQUIPMENT**

General

1 There are some arms, accessories, ammunition and equipment held by UNAMIR which do not belong to any contingent. There are no established records regarding their ownership. These have been accorded ownership based on markings on these items, troops who operated in Rwanda as part of UNAMIR-I and a rough idea of armament inventory of their countries. It has proved difficult in the past to obtain cooperation of the Rwanda government on the aspect of repatriating some of these items. However some positive response MAY be possible after constant persuasion at the highest level. Therefore, in view of the forthcoming end of the current mandate and to enable adequate reaction time, it is pertinent that a decision be sought on their disposal.

ach

2. Four 50 cal HMGs and two 81 mm mortars were designated as French. These were prepared for repatriation to France but the clearance from Rwanda Government is still awaited since past four months. We have earmarked these as French based on the markings on these items, but from all logic it sounds unrealistic for the French to have left any weapons behind unattended when leaving Rwanda. The FRGF was also supported with arms from France and thus may be that these belonged to FRGF and later recovered by UNAMIR troops from those areas. At present we do not have the background as to how these were recovered. However it has been committed to the UNHQ and even Permanent Mission of France is aware of it. In retrospect the case of 50 cal HMGs seems to be misplaced. It is felt that these four are also part of the bunch of 50 cal with UN owned/leased M-113s.

3. **Disposal.** The two 81 mm mortars should be handed over to RPA. The four 50 cal HMGs s should be considered as UN owned and included in others being prepared to be shipped along with the M-113s.

Belgian

4. The list is attached as Annex A.

5. These were recovered by the BRITCON, who came in 1994, from the areas thought to have been occupied by the Belgians as part of UNAMIR-I. Therefore, also due to some markings, these were classified as Belgian. We do not have any records describing the conditions under which these were recovered. A case was taken up with UNHQ, NY for their disposal. NY probably in consultation with the Belgian permanent Commission permitted for the destruction of ammunition only. The permission was then obtained from RPA to destroy the same. However after partial destruction the process was stopped by the RPA Engr Officer. It has been intimated to UNNY along with the balance state (Annex A). A case has also been taken up with RPA. It is apparent that the RPA is not likely to respond positively. They have informally stated that these should be handed over to them because whatsoever is recovered unattended in Rwanda logically belongs to them. Therefore they are likely to make its repatriation or destruction difficult.

C/N 423
P2/6

6. **Disposal.** It is recommended that UNHQ, NY be approached for permission to hand over these to RPA based on their logic.

Bangladesh

7. The list is attached as Annex B. The case of repatriation of 08 BTRs to Bangladesh is with MOVCON.

8. **Disposal.** The BTRs and the RRs with accessories should be either repatriated to Bangladesh or disposed off as agreed to. Other alternative, in case Bangladesh has been financially compensated, is to ship these BTRs to UNAVEM or the UN Log Base in Italy.

UN Owned

9. The list is attached as Annex C. These are the items of arms, ammunition and equipment which could not be identified for the ownership and thus have been categorized as UN owned.

10. **Disposal.**

a. **Arms.**

- i. **50 CALs.** These should be shipped to UNAVEM with the M-113s.
- ii. **30 mm Anti Air Craft Guns.** These should be handed over to RPA.
- iii. **7.62 mm LMGs.** If considered to be of Bangladesh, should be repatriated with the BTRs to Bangladesh otherwise these need to be shipped with the UN ammunition and APCs to UNAVAM.

b. **Ammunition.**

- i. 14.5 mm ammunition should be handed over to the RPA.
- ii. 50 Cal ammunition should be shipped with the APCs to UNAVAM. However it may be difficult to obtain permission from various countries involved for its overland move to the port of embarkation for shipping the ammunition. Therefore it may be considered to be given to RPA on REQUEST.
- iii. 7.62 mm ammunition should be handed over to the RPA.

c. **APCs.**

- i. **M-113s.** The process should be expedited.
- ii. **Spartans.** These are to be shipped to Italy, the UN Logistics Base. CITMM is organizing the same in conjunction with MOVCON.
- iii. **M-57s.** Same as Spartans or disposed off as scrap.

CPN 423
P4/6

Annex A

CONSIDERED TO BE BELGIAN

1. **Arms and Equipment accessories.**

Ser No	Type	Quantity	Remarks
1	81 MM MOR	3	To be given to RPA
2	60 MM MOR	5	"
3	MILAN MIRA	2	"
4	RL LAW	97	"

2. **Ammunition.**

Ser No	Type	Quantity	Remarks
1	GREN 72M FRAG	200	To be given to RPA
2	81 MM MOR BOMB HE	92	"
3	" " " SMK	106	"
4	" " " ILLUM	120	"
5	60 MM MOR BOMB HE	288	"
6	" " " SMK	156	"
7	" " " ILLUM	99	"
8	SMK WP	502	"
9	SIG RED	48	"
10	SIG ORANGE	40	"
11	SIG VIOLET	32	"
12	SIG BLUE	32	"
13	SIG YELLOW	12	"

CAN 423
P5/6

Annex B

BANGLADESH ARMS AND EQUIPMENT

1. **Arms and Accessories.**

Ser No	Type	Quantity	Remarks
1	105 MM RRs	4	Assumed due to the Chinese markings
2	RR GUN TELESCOPE	4	Accessories with RRs
3	GUNNERS QUADRANTS	4	"
4	PERISCOPE	1	"
5	GUN DIRECT TELESCOPE	4	"
6	PANORAMIC TELESCOPE	1	"
7	AIMING POST	10	"
8	MOUNTS	2	"
9	EAR DEFENDERS	2	"
10	7.62 CLIPS	860	Accessory

2. **APCs.** 8 BTRs, now located in the Log Base. These are under the charge of CITMM.

CRN 423
P.6

UN OWNED

1. Arms.

Ser No	Type	Quantity	Remarks
1.	50 Cal FMG	73	With M-113s. To be shipped to UNAVAM.
2.	30 mm Anti Air craft Guns	08	There are no records of any UNAMIR troops using it. It may have belonged to FRGF who could not extricate it when withdrew. This weapon system existed on their inventory. To be given to RPA.
3.	7.62 mm LMG	08	In view of the figure of quantity and the armament inventory of Bangladesh, it seems that these were removed from the 08 BTRs.

2. Ammunition.

Ser No	Type	Quantity	Remarks
1	50 CAL	108500	Assumed to be of UN M-113s
2	14.5 MM	8810	To be given to RPA.
3	7.62 MM	41745	-

3. APCs.

- a. M-113. 65 of these are ready to be shipped to Angola. The left over formalities for the move are likely to be completed any time.
- b. M 573. 01 (Owner not known)
- c. SPARTANS. 03 (Owner not known). These are Located in the junk yard and are beyond economical repairs.