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- 8 MAR 1996

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UNAMIR

IMMEDIATE

TO: 1996 MAR -8 A 7:35 KHAN, UNAMIR, KIGALI
FROM: for ANNAN, UNATIONS, NEW YORK
DATE: 7 MARCH 1996
NUMBER: 663
SUBJECT: Security Council consultations

H. Annan

Please find attached a summary of the discussions on Rwanda during informal consultations of the Security Council held on 6 March, as prepared by the Security Council Secretariat.

Regards.

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PROCEEDINGS OF THE SECURITY COUNCIL

Wednesday, 6 March 1996

INFORMAL CONSULTATIONS

Rwanda

In their discussion of the final report of the Secretary-General on UNAMIR (S/1996/149), Council members welcomed the fact that the Ambassador of Rwanda, in a letter dated 1 March addressed to the President, had accepted the option outlined in the report for a UN political office in Kigali to support the Rwandan Government's efforts to strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure.

Delegations also welcomed the letter from the Rwandan Minister of Foreign Affairs of 1 March, circulated during the meeting, outlining the Government's proposal for a continued UN presence and, in particular, the inclusion of support to national reconciliation efforts as one of the tasks to be performed by the UN political office. Many members expressed regret that the Kigali authorities had not consented to extend the mandate of UNAMIR. Turning to the proposed political office, delegations underlined the importance of defining the mandate of such an office and, to this end, several members expressed their own views and asked questions regarding the functions of the office. The United Kingdom indicated that his delegation would circulate a revised draft resolution attachment this afternoon which would endeavour to spell out the mandate as clearly as possible.

Council members supported the Secretary-General's view that Rwanda had made important progress since the end of the civil war and the ensuing genocide in July 1994. They also agreed with the Secretary-General's view that there remained a number of outstanding issues to be addressed with the support of the international community. These included the return and resettlement of 1.7 million refugees, progress towards national reconciliation, the revival of the national judicial system, improvement of prison conditions, and effective measures to curb destabilization activities by the former RGF.

In their assessment of the tasks which should be pursued by the proposed UN political office, most delegations underlined the need to ensure the protection of the International Criminal Tribunal for Rwanda and the International Commission of Inquiry. The United Kingdom pointed out that the UN radio in Rwanda might have to close down for lack of funding, which he felt would be a setback. Egypt, supported by the United Kingdom, suggested that the proposed office should provide reports every 3-4 months on progress achieved on the return of refugees and on national reconciliation. Italy noted that to be truly effective, the tasks of the proposed office should be sufficiently broad to

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ensure its effectiveness".

Delegations also welcomed the Kigali authorities' wish (in para. 13 of the report) to have the Human Rights Field Operation in Rwanda (HRFOR) maintained. At the same time, they expressed concern about the warning contained in para. 15 of the report that HRFOR would have to close down due to insufficient voluntary funds. Chile felt that the number of HRFOR monitors should be increased from 90 to 150 to cover the entire territory of Rwanda.

Although they respected the strong reservations of the Rwandan Government regarding the retention of UN troops in the country, the United Kingdom, Chile and Honduras expressed a preference for the maintenance of UN military personnel in a post-UNAMIR period to assist in the return of refugees and to help restore confidence in the country. Honduras mentioned that it would also be advisable to recommend a regional office as outlined in para. 43 of the Secretary-General's report.

On the question of the disposal of non-lethal UNAMIR equipment, the United Kingdom stressed that no State had the right to demand that UN equipment stay in the host country and cautioned that the Kigali authorities should not place obstacles in the way of UNAMIR's withdrawal. France reiterated his delegation's position that the disposal of UN equipment must be governed by the rules of the Fifth Committee and the GA and he asked the Secretariat for "further information" on that point. By contrast, Germany and Indonesia urged the Secretariat to be flexible on this question. The United States requested that the UNAMIR contingent from Ghana withdraw at the tail-end and not at the beginning of the envisaged 6-week withdrawal period.

On the letter of the Rwandan Foreign Minister, the United Kingdom noted the reference to a six-month mandate for the proposed UN political office and stated that it was the responsibility of the Secretary-General, in cooperation with the Government, to determine the length of the mission, as traditionally political offices did not have specified durations.

Mr. Suresh Kumar indicated that he would discuss with relevant officials in the Secretariat the question of what would be considered the appropriate size for the proposed UN political office. He pointed out, however, that the size of the office would depend on what tasks the Council would like the Special Representative to perform.

Prior to the discussion of the Secretary-General's report, the President briefed members on the 5 March UNAMIR troop-contributors meeting. He noted that there was consensus among the troop-contributing countries on the need for continued UN presence in Rwanda. Several delegations had expressed concern about the security of members of the International Tribunal and had stressed the importance of establishing long-term security arrangements. In the three sections outlined in paragraph 43 of

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the report, one delegation had expressed preference for a combination of options (a) and (b) which would make it possible for military observers to remain in Rwanda and thereby encourage the return of refugees. Reflecting on the meeting, Germany felt that the Council should take into consideration and address (1) the question of the protection of personnel and premises of the Tribunal, (2) the question of the future of the UN radio station, and (3) the question of non-lethal UNAMIR equipment that may be released for use in Rwanda.

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Security Council*

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TO: KHAN, UNAMIR, KIGALI
FROM: *for* KITTANI, UNATIONS, NEW YORK
DATE: 9 FEBRUARY 1996
NUMBER: 393
SUBJECT: Security Council consultations on Rwanda

RECEIVED
16 FEB 1996
OFFICE OF THE SRSG
UNAMIR

*yes, this
is critical*
1. During informal consultations today, the Security Council, discussed the Secretary-General's progress report on UNAMIR. The substance of the report was only touched upon briefly. The members indicated that they were looking forward to the Secretary-General's recommendations concerning the UN's future role in Rwanda, to be included in its final report on UNAMIR.

*important
of*
2. Concerning the question of tax liability of UNAMIR contractors, the attached briefing note, based on the report of the UN delegation, went a long way towards allaying the concerns of the Council. Members voiced satisfaction that the matter now seemed to be moving toward an amicable resolution. They also expressed the hope that a similarly positive outcome would be reached on the question of transfer of UNAMIR equipment. In this connection, some members made a plea for flexibility in the implementation of para. 7 of resolution 1029 (1995).

Best regards.

*ED
Isel*

CNR-032 P2/3

Note to Mr. Gharekhan

**RELATIONS BETWEEN THE UNITED NATIONS
AND THE GOVERNMENT OF RWANDA**

1. I wish to refer to my brief of 23 January on the question of the tax liability of UNAMIR contractors. You will recall that in an effort to move towards a resolution of this problem, two senior officials from OLA and DPKO were dispatched to Kigali. The purpose of the mission was to clarify the position of the United Nations regarding the issues raised by the Government; and to ascertain those services for which the United Nations would or would not claim exemption from taxes under the Convention on UN Immunities and Privileges and the SOMA of 5 November 1993.

2. The UN delegation conducted several meetings with the Rwandan authorities at different levels of Government. The delegation met the Minister of Foreign Affairs on two occasions and held detailed discussions with Government officials on 24, 25 and 31 January. Informal discussions were also conducted with various other Government officials.

3. We believe that these discussions have been useful. The UN delegation maintained the position that UN contractors and their expatriate personnel should be exempted from host country taxation on the grounds that they have been engaged solely to provide logistic support services, distribution of rations to the various components of the mission, and air and land transportation in support of UNAMIR activities. In the course of the discussions, the UN delegation received assurances that the Government would not insist on imposing taxes with respect to UNAMIR contractors. The Government also promised to clear the shipment of UNAMIR equipment earmarked for transfer to other peace-keeping missions, which was being held up. However, as of yesterday, the promised clearance had not yet materialized.

Can't
in Friday!

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*See para 4
part 2*

4. For its part, the UN undertook to ensure that contractors would pay social security taxes for locally recruited employees. The UN also indicated its willingness to pay, as appropriate, charges for communication services used by UNAMIR and other UN agencies in Rwanda, since these were charges for public utility services, in accordance with the provisions of the Convention on UN Immunities and Privileges.

5. The issue of the disposal of UNAMIR equipment was the subject of discussions in New York during SRSG Khan's recent visit. These discussions will now continue in Kigali, in accordance with paragraph 7 of Security Council resolution 1029 (1996). In this connection, the Secretariat will shortly submit proposals to the ACABQ for action by the General Assembly.

DPKO

9 February 1996