

PLEASE RETAIN
ORIGINAL ORDER

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RH/nb MAR 2009

UN ARCHIVES
SERIES S-1120
BOX 3
FILE 6
ACC. 1993/0278



OUTGOING FAX NO. _____

PAGE 1 OF 5

MIR NO. _____

MISC NO. _____

TO:	RES. REP UNDEVPRO	FROM:	DR. A.H. KABIA <i>A.H. Kabia</i> EXECUTIVE DIRECTOR
ATTN:	MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF ZAIRE	DATE:	9 NOVEMBER 1994
INFO:			
FAX NO:	243-1-225-247 871-150-3261	PHONE:	212-963-3582
		FAX NO:	212-963-3090
ORIGINATOR:		SECTION:	OSRSG/ED
SUBJECT:	LOGISTIC SUPPORT FOR HUMANITARIAN OPERATIONS IN THE REFUGEE CAMPS		

COULD YOU PLEASE TRANSMIT THE ATTACHED NOTE VERBALE AND THE LETTER
PROPOSED BY THE SECRETARY-GENERAL TO THE MINISTRY OF FOREIGN AFFAIRS OF THE
REPUBLIC OF ZAIRE.

THANK YOU IN ADVANCE FOR YOUR USUAL COOPERATION AND UNDERSTANDING.

BEST REGARDS.



SRSG/NV/54/94

NOTE VERBALE

The United Nations Assistance Mission in Rwanda presents its compliments to the Ministry of Foreign Affairs of the Republic of Zaire and has the honour to refer to the proposed exchange of letters between the United Nations and Zaire for the purpose of facilitating the operations of UNAMIR in providing logistic support for humanitarian operations in the refugee camps for Rwandese nationals in Zaire. Another copy of the letter proposed by the Secretary-General is attached.

May we respectfully remind your Ministry that UNAMIR still awaits the response of your Government to enable us to advise the Secretary-General for the purpose of expediting such exchange of letters. We would be most grateful if we could be informed of your Government's position on this matter as soon as possible.

Please accept, Sir, the assurances of our highest consideration. *MM*



**His Excellency
The Honorable Minister of Foreign Affairs of
the Republic of Zaire
Kinshasa
Zaire**

CNR 551 P5/7

1 September 1994

Excellency,

I have the honour to refer to resolution 872 (1993) of 25 October 1993 by which the United Nations Security Council decided to establish the United Nations Mission for Assistance to Rwanda (UNAMIR) and resolution 918 (1994) of 17 May 1994 by which the Council authorized an expansion of the mission.

In this respect and taking into consideration the state of the infrastructure currently existing in Rwanda, the tasks entrusted to UNAMIR by the Security Council require, in order to be more efficiently carried out, the continued co-operation of your Government, in view in particular of the frequency of the movement of ~~the~~ personnel, logistical supplies and equipment of UNAMIR between Zaire and Rwanda.

For this purpose, and in accordance with international law and the customary principles and practices applicable to United Nations peace-keeping or similar operations, UNAMIR, as an organ of the United Nations, shall enjoy, together with its property, funds, assets and its personnel, the privileges and immunities, rights and facilities necessary for the fulfillment of its tasks.

His Excellency LONDA BULULU
The Honorable ~~Minister of Foreign Affairs~~
Minister of Foreign Affairs of
the Republic of Zaire
Kinshasa
Zaire

CNR 551 P6/7

- 2 -

Accordingly, I propose that your Government in implementation of its obligations under Article 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations (the "Convention") to which Zaire acceded, on 8 December 1964 extend to:

- the Special Representative, the Force Commander, the Liaison Officer and such high ranking members of UNAMIR whose names shall be communicated to your Government, 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;
- the officials of the United Nations assigned to serve with UNAMIR the privileges and immunities to which they are entitled to under Articles V and VII of the Convention;
- the personnel assigned to serve with UNAMIR other than United Nations officials, such as civilian personnel contributed by Member States, the privileges and immunities accorded to experts performing missions for the United Nations under Article VI of the Convention.

The privileges and immunities necessary to facilitate the tasks of UNAMIR shall also include:

- (i) freedom of entry and exit without delay or hindrance of its personnel, property, supplies, equipment spare parts and means of transport, including expeditious issuance of entry and exit visas except that such visas shall be dispensed with in the case of personnel furnished with a United Nations laissez-passer or certificate indicating that they are performing functions in connection with Security Council resolutions 872 (1993) and 918 (1994);
- (ii) exemption from all direct taxes, import and export duties, registration fees and charge on its personnel, property, supplies, equipment, spare parts and means of transport and their expeditious customs clearance;
- (iii) freedom of movement on land, sea and air for its personnel, property, supplies, equipment, spare parts and means of transport;

CNR 551 P7/7

- 3 -

- (iv) right to fly the United Nations flag on premises and observation posts, vehicles and aircraft and vessels;
- (v) acceptance of United Nations registration of means of transport on land, sea and in the air and United Nations licensing of the operators thereof and;
- (vi) the right to unrestricted communication by radio, satellite or any other forms of communication including coded messages and to connect with the United Nations radio and satellite network, as well as by telephone, telegraph or any other means.

It is understood that all land and premises which shall be used by UNAMIR for the conduct of its operational and administrative activities shall be inviolable and subject to the exclusive control and authority of the United Nations.

It is also expected that the Government of Zaire shall assist, to the extent possible, in providing UNAMIR and its members with the support and co-operation ^{necessary} for their safety and security. | 2

If the above provisions meet with our approval, I would propose that this letter and the written confirmation of your acceptance of its provisions constitute an agreement between the United Nations and Zaire to take effect immediately.

I take this opportunity to express ^{my} gratitude to the Government of Zaire for the support provided to UNAMIR in facilitating its tasks. | 2

Accept, Excellency, the assurances of my highest consideration.

Boutros Boutros-Ghali

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR KINSHASA

FAX OUT 1847
MISC 1807

MOST IMMEDIATE
OUTGOING CABLE

1/3

TO: MR. DIALLO
REPRESENTATIVE/RESIDENT COORDINATOR
UNDP

KISHANSHA, ZAIRE
FAX No: 243 - 12 - 25247

871 150 3291

FROM: SHAHARYAR M. KHAN, SRSG, UNAMIR

Shaharyar M. Khan

FAX No: (212) 963 3090
TEL No: (212) 963 3093

DATE: 18 SEPTEMBER 1994

SUBJECT: EXECUTIVE SUMMARY OF DISCUSSIONS HELD IN ZAIRE

1. Please find attached herewith executive summary of discussions held in Kinshasa with the President, Prime Minister, Ministers and also the Ambassadors of USA, France and Belgium.

2. It would be highly appreciated if this summary could be made available to all the above mentioned persons.

4. Best wishes



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**EXECUTIVE SUMMARY OF DISCUSSIONS HELD IN
KINSHASA, ZAIRE
ON 12 - 14TH SEPTEMBER 1994
ON RWANDESE REFUGEE CAMPS IN ZAIRE.**

The following is a summary of the main points discussed with the President Marshal Mobutu Sese Seko, Prime Minister Kengo Wa Ndondo and Ministers of the Zairian government, concerning the situation of Rwandese refugees in Goma and Bukavu.

1. In response to requests made by the Zairian government the UN Secretary-General had instructed his Special Representative for Rwanda Ambassador Shaharyar M. Khan to undertake a mission to Zaire. Ambassador Shaharyar Khan was accompanied by Mr. Michel Moussali UNHCR's Special Representative to Rwanda, Brig. Henry Anyidoho Deputy Force Commander UNAMIR, Ms. Isel Rivero, Senior Political Adviser, UNAMIR.
2. The UN Secretary General shared the preoccupation of the Zairian Government concerning security inside the camps and the deterioration of the Zaire's infrastructure in Goma and Bukavu. The Secretary General was concerned at the economic and environmental degradation that the refugee problems represented for Zaire. It was generally agreed that the voluntary return of Rwandese refugees to their homes in peace and dignity represented the best solution to the problem.
3. It was agreed that, in order to alleviate the pressure on the infrastructure and ecology of the border areas, additional refugee camps would need to be opened in Zaire at an appropriate distance from the border. These sites needed to be identified and the cost of transfer assessed in terms of logistic and financial support.
4. The Rwandese army units, along with their families, transferred to the camps would be required to disarm and to wear civilian clothes. The UN would assist in seeking asylum for senior political leaders of the former government in other countries (preferably French-speaking African countries). The cost of opening new camps, the logistic support for the transfer and the running costs would be borne by the international community and the UN.
5. The Rwandese government would continue its efforts for national reconciliation. The guarantees for fair and humane treatment to returning refugees would be conveyed to the refugees in the camps. Visits to camps by senior Rwandese officials to directly convey their government's policies would be considered.
6. UN would provide support to returning refugees by providing camps, food, water, healthcare and transport. UN would also ensure its presence at key points to provide visible reassurance to returning refugees.

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

3/3

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

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

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

CNR 604 P1/1

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 13 October 1994
NUMBER: UNAMIR: 3299
SUBJECT: Exchange of letters with Zaire

Grateful you inform us of the follow-up action taken regarding our UNAMIR-2906 of 9 September on the above. Please indicate whether the Government of Zaire has responded to the proposed exchange of letters and, in case it has not responded, what steps you intend to take in this regard. Thanks and regards.

1994 OCT 13 P 5:30
DNR
JAC



CNR 551 P1/7

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 9 September 1994
NUMBER: UNAMIR: 2906
SUBJECT: Exchange of letters with Zaire

UNAMIR

IMMEDIATE

9 SEP 10

04 28

1994 SEP 9 P 4 51

I have conveyed to Zaire FO
1507h
Diallo
Sent 149
E.D. me 171

1. You will recall that in our clear cable 36697 of 24 August we had transmitted to you a copy of a Note Verbale to the Permanent Mission of Zaire, requesting them to take the necessary measures to assist UNAMIR in providing logistic support to its personnel in Rwanda.

... 2. Since then, the Legal Office has prepared in consultation with this Department the attached draft exchange of letters (in French) with the Government of Zaire which, in accordance with established practice, sets out in a more formal manner the facilities and immunities to be granted to UNAMIR to enable it to ensure the necessary logistic support to its operations in Rwanda.

3. During your upcoming visit to Zaire, you should present this draft informally to the authorities and seek their concurrence to it, on the understanding that it would then be addressed to them formally by the Secretary-General. Grateful you inform us in due course of their reaction to the draft. An English translation of the text is attached for your convenience. Regards.

CNR 551 P5/7

1 September 1994

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CNR 551 P6/7

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- 3 -

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