

## 4. THE SITUATION CONCERNING RWANDA

### Initial proceedings

By a letter<sup>1</sup> dated 28 February 1993 addressed to the President of the Security Council, the representative of Rwanda requested him to circulate as a document of the Council his letter dated 22 February 1993 in which he informed the Council of the resumption on 8 February 1993 of hostilities in the northern part of the country by the Rwandese Patriotic Front (RPF), and requested the deployment of a team of United Nations military observers on both sides of the frontier between Rwanda and Uganda. Such a team might ensure that no military assistance reached Rwandese territory from Uganda.

By a letter<sup>2</sup> dated 22 February 1993 addressed to the President of the Council, the representative of Uganda stated that his Government viewed the resumption of hostilities between the Rwandese Government Army and the RPF as a flagrant violation of the Arusha cease-fire agreement signed by both parties and sought the assistance of the Council to authorize a United Nations Observer/Monitor Force of appropriate size to be stationed on the border with Rwanda on the Uganda side in order to forestall any spread of the conflict into Uganda.

By a letter<sup>3</sup> dated 4 March 1993 addressed to the President of the Council, the representative of Rwanda, describing the deterioration of the situation in his country as a threat to peace and security in the region, requested an immediate meeting of the Council to consider ways of ensuring the cessation of the fighting, the observance of the cease-fire agreement signed at Arusha,<sup>4</sup> and the implementation of the declarations<sup>5</sup> issued,

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<sup>1</sup> S/25355.

<sup>2</sup> S/25356.

<sup>3</sup> S/25363.

<sup>4</sup> *Ibid.*, Annex I.

<sup>5</sup> *Ibid.*, Annexes II and III.

respectively, by the RPF and the Government of Rwanda on 21 and 22 February 1993 with a view to restoring the ceasefire and thereby enabling the search for a negotiated political solution to the crisis. His Government considered that an international force to maintain the cease-fire could supervise the zone between the positions occupied by the RPF and those occupied by the Rwandese armed forces prior to the violation of the cease-fire. The representative of France made a similar request by a letter of the same day addressed to the President of the Council.<sup>6</sup>

At its 3183rd meeting, on 12 March 1993 in response to the requests from the representatives of Rwanda and France, the Council included the two letters dated 4 March 1993 from those representatives in its agenda. Following the adoption of the agenda, the Council invited the representative of Rwanda, at his request, to participate in the discussion, without the right to vote. In addition to the two letters dated 22 and 28 February 1993, the President (New Zealand) drew the attention of the members of the Council to a note verbale<sup>7</sup> dated 8 March 1993 and a letter<sup>8</sup> dated 10 March 1993 addressed to the Secretary-General from the representatives of Rwanda and Senegal, respectively. The President also drew the attention of the members of the Council to a draft resolution<sup>9</sup> prepared in the course of the Council's prior consultations.

**Decision** of 12 March 1993 (3183<sup>rd</sup> meeting): resolution 812 (1993)

The representative of Rwanda stated that since 1 October 1990, his country had been the victim of a particularly atrocious war that jeopardized peace and security in the Great Lakes region, despite the efforts for peace made by his Government, with the assistance of the States of the subregion and the Organization of African Unity (OAU). While the negotiation process in Arusha between his Government and the RPF had held hopes for peace, the resumption of hostilities at the beginning of February should be deplored. Many civilians were still being killed and mutilated and one million persons had

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<sup>6</sup> S/25371.

<sup>7</sup> S/25385.

<sup>8</sup> S/25401.

<sup>9</sup> S/25400.

been displaced. The Rwandese Government proposed to relocate the war refugees in a neutral demilitarized zone. If responsibility for the comprehensive care of those refugees rested with the Rwandese Government, the same could not be said for guaranteeing their safety, because of lack of human and material means. For that reason, it was a humanitarian imperative for Rwanda to be provided with a multi-purpose international force which would assure the safety of the refugees while also guaranteeing that the cease-fire was kept. He concluded by stating that the hope of Rwanda, whose fate and future were in the hands of the Secretary-General and the members of the Council, lay in the draft resolution before the Council.<sup>10</sup>

Speaking before the vote, the representative of Morocco expressed concern at the resumption of hostilities in Rwanda and the humanitarian situation prevailing in that country. He welcomed the swiftness with which the Secretary-General had dispatched a goodwill mission to the region and expressed support for the ongoing negotiation process between the parties, including the agreement reached in Dar-es-Salaam on the modalities of a cease-fire, which came into force on 9 March 1993, and the fate of displaced persons. He noted that the draft resolution took account of efforts made at the regional level and responded to the provisions of Chapter VI of the Charter.<sup>11</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 812 (1993), which reads as follows:

*The Security Council,*

*Taking note* of the request contained in the letter dated 4 March 1993 addressed to the President of the Security Council by the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations,

*Also taking note* of the letters dated 22 February 1993 from the Permanent Representative of Rwanda and the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council in which the Governments of both those countries called for the deployment of United Nations observers along their common border,

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<sup>10</sup> S/PV.3183, pp. 3-7.

<sup>11</sup> *Ibid.*, pp. 8-10; similarly the representative of Djibouti, *ibid.*, pp. 11-12

*Gravely concerned* by the fighting in Rwanda and its consequences regarding international peace and security,

*Alarmed* by the humanitarian consequences of the latest resumption of the fighting in Rwanda, in particular the increasing number of refugees and displaced persons, and by the threats to the civilian populations,

*Stressing* the need for a negotiated political solution, in the framework of the agreements signed by the parties in Arusha, United Republic of Tanzania, in order to put an end to the conflict in Rwanda,

*Paying tribute* to the efforts of the Organization of African Unity, to promote such a solution,

*Taking note* of the statements made by the Government of Rwanda and the Rwandese Patriotic Front by which the Rwandese armed forces would remain in their current positions, the army of the Rwandese Patriotic Front would pull back to the positions it occupied before 7 February 1993 and the buffer zone between the forces would be considered as a neutral demilitarized zone used to monitor the implementation of the cease-fire by an international force,

*Welcoming with satisfaction* the joint communiqué issued at Dar-es-Salaam, United Republic of Tanzania, on 7 March 1993 by the Government of Rwanda and the Rwandese Patriotic Front, concerning in particular the modalities of the cease-fire to take effect on 9 March 1993 and the situation of displaced persons,

*Welcoming also with satisfaction* the decision of the Secretary-General to send a goodwill mission to the region, and having heard a first oral report on the mission,

*Determined* that the United Nations, in consultation with the Organization of African Unity and in support of its ongoing efforts, should consider how a United Nations contribution might assist the process towards a political settlement in Rwanda, in particular by preventing the resumption of fighting and by monitoring the cease-fire,

1. *Calls upon* the Government of Rwanda and the Rwandese Patriotic Front to respect the cease-fire which took effect on 9 March 1993, to allow the delivery of humanitarian supplies and the return of displaced persons, to fulfil the obligations they have accepted in the agreements they have signed and to implement the commitments they have undertaken in their above-mentioned statements and joint communiqué;

2. *Invites* the Secretary-General to examine in consultation with the Organization of African Unity the contribution that the United Nations could bring to strengthen the peace process in Rwanda, in support of the efforts of the Organization of African Unity, in particular through the possible establishment, under the aegis of the Organization of African Unity and the United Nations, of an international force entrusted, *inter alia*, with humanitarian assistance and the protection of the civilian population and support of the Organization of African Unity force for the monitoring of the cease-fire, and to report to the Council most urgently on the matter;

3. *Also invites* the Secretary-General to examine the request by Rwanda and Uganda for the deployment of observers along the border between these two countries;

4. *Expresses its readiness* to examine without delay the recommendations that the Secretary-General might submit in this regard;
5. *Requests* the Secretary-General to coordinate closely his efforts with those of the Organization of African Unity;
6. *Calls upon* the Government of Rwanda and the Rwandese Patriotic Front to cooperate fully with the efforts of the United Nations and the Organization of African Unity;
7. *Urges* the Government of Rwanda and the Rwandese Patriotic Front to resume the negotiations on 15 March 1993 as agreed, in order to resolve the pending questions with a view to signing a peace agreement at the beginning of April 1993 at the latest;
8. *Urges* both parties strictly to respect the rules of international humanitarian law;
9. *Urges* all States to refrain from any action that could increase the tension in Rwanda and jeopardize respect for the cease-fire;
10. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that the situation in Rwanda seriously compromised that country's chances to quickly regain the path of peace and democracy and was gravely threatening the political stability of the region. The situation could cause a very serious humanitarian crisis, as shown by the number of refugees and displaced persons, which could in turn affect the neighbouring countries. The French Government felt that resolute action had to be taken to reach an effective and lasting cessation of hostilities, to promote the intensification of humanitarian assistance, and to enable the peace efforts to continue. It fully supported the process begun in Arusha, under the auspices of the OAU, by the Government of Rwanda and the RPF, and would continue to participate in that process as an observer. He emphasized, however, that progress depended above all on the cooperation of the Rwandese parties. At the same time, efforts by the Rwandese to settle the conflict should be actively supported by the United Nations. It was in that spirit that the French Government had supported Rwanda's request to convene a meeting of the Council. He noted further that, by inviting the Secretary-General to examine urgently in consultation with the OAU the contribution that the United Nations could bring to strengthening the peace process, resolution 812 (1993) was fully consistent with the approach of supporting the efforts of regional organizations that had guided the

Council in several other cases. The French Government welcomed the particular reference to the possibility of a United Nations contribution in the fields of protection of the civilian population and respect for the cease-fire – if necessary, by the establishment of an international force. Those were the two areas for priority intervention which should be stressed in order effectively to support the efforts to achieve a political settlement and to alleviate the suffering of the civilian population. The deployment of United Nations observers at the border between Rwanda and Uganda, as requested by those two countries, could contribute to creating a more peaceful climate in the region. France awaited the recommendations of the Secretary-General in that regard. The representative stressed the urgency of ensuring that the combined energies of all concerned – the United Nations, the regional organizations and those of States and non-governmental organizations – be brought to bear to restore stability to Rwanda.<sup>12</sup>

The representative of Brazil stated that it was incumbent on the United Nations to examine, in close consultation with the OAU, how best the United Nations could support such efforts with a view to strengthening the peace process in Rwanda, in particular through the possible establishment of an international force under the aegis of the OAU and the United Nations, in accordance with the agreement reached by the parties. He stressed that the responsibility for the achievement of a satisfactory political settlement rested upon the parties themselves. However, the OAU and the countries in the region had an important role in facilitating and furthering the attainment of that goal. Citing Article 52 (3) of the Charter, he said that close cooperation between the United Nations and the OAU in the case of Rwanda, with due cognizance and respect for their respective roles, constituted a good example of the constructive relationship that should exist between the universal organization of the United Nations and regional organizations for the promotion of peace. The terms of resolution 812 (1993) should be read in that light by all parties concerned.<sup>13</sup>

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<sup>12</sup> *Ibid.*, pp. 13-15.

<sup>13</sup> *Ibid.*, pp. 16-17.

**Decision** of 13 April 1993: letter from the President

In a letter<sup>14</sup> dated 8 April 1993 addressed to the President of the Council, the Secretary-General, recalling resolution 812 (1993) by which the Council had welcomed the goodwill mission to Rwanda and had asked him to examine the requests of Rwanda and Uganda for the deployment of observers, reported that the mission had visited Rwanda and Uganda and was observing the peace talks in Arusha. There were disturbing reports that the Arusha discussions were at an impasse, and as a result, there were fears that fighting might resume. In those circumstances he had decided to strengthen the goodwill mission by the addition of three military advisers. He had also asked the goodwill mission to report promptly so that he could advise the Council further accordingly.

In a letter<sup>15</sup> dated 13 April 1993, the President of the Council informed the Secretary-General as follows:

“I have the honour to inform you that your letter dated 8 April 1993 concerning the situation in Rwanda has been brought to the attention of the members of the Security Council. They welcome your decision to strengthen the goodwill mission by the addition of three military advisers. They also note the urgency of the security situation in Rwanda and look forward to a prompt report.”

**Decision** of 22 June 1993 (3244th meeting): resolution 846 (1993)

On 20 May 1993, pursuant to resolution 812 (1993), the Secretary-General submitted to the Council an interim report<sup>16</sup> on Rwanda. The Secretary-General reported that talks between the Rwandese Government and the RPF had resumed in Arusha on 16 March 1993, under the auspices of the United Republic of Tanzania, acting as facilitator. Negotiations focused on military issues, refugees and displaced persons outstanding political matters, and the establishment of an international neutral force for the implementation of the proposed peace agreement. He also reported on the findings of a

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<sup>14</sup> S/25561.

<sup>15</sup> S/25592.

<sup>16</sup> S/25810 and Add.1.

technical mission that had visited Uganda and Rwanda, respectively, from 2 to 5 April and on 6 April 1993 to, *inter alia*, gather and evaluate all information relevant to the possible deployment of United Nations military observers on the Rwanda/Uganda border. The mission had concluded that it would be possible to deploy United Nations military observers to monitor the Uganda/Rwanda border and verify that no military assistance was being provided across the border between the two countries. The RPF, which controlled about four fifths of the border, was opposed to the deployment of observers on the Rwanda side of the border, but did not object to the presence of United Nations military observers on the Ugandan side, as long as the purpose of that presence was to verify that no military assistance reached its forces through Uganda. In addition, the RPF had expressed the view that similar monitoring activities regarding the provision of military assistance to the Government of Rwanda should also be considered. The Secretary-General therefore recommended that the Council authorize the establishment of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, for an initial period of up to six months. An advance party would be deployed within 15 days of the adoption of the resolution. The Secretary-General further informed Council members that in order to support the ongoing peacekeeping efforts of the OAU in Rwanda, he had decided to put two military experts at the disposal of that organization to assist it in determining the needs and concept of an expanded neutral military observer group (NMOG) in Rwanda.

At its 3244th meeting, on 22 June 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Rwanda, at his request, to participate in the discussion, without the right to vote. The President (Spain) drew the attention of the members of the Council to several documents<sup>17</sup> and to a draft resolution<sup>18</sup> prepared in the course of the Council's prior consultations.

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<sup>17</sup> Letter dated 2 April 1993 from the representative of France addressed to the Secretary-General (S/25536); letter dated 18 May 1993 from the representative of Uganda addressed to the President of the Council (S/25797); letter dated 14 June 1993 from the representative of Rwanda addressed to the President of the Council (S/25951).

<sup>18</sup> S/25981.



The draft resolution was then put to the vote and adopted unanimously as resolution 846 (1993), which reads as follows:

*The Security Council,*

*Reaffirming* its resolution 812 (1993) of 12 March 1993,

*Taking note* of the interim report of the Secretary-General of 20 May and 2 June 1993,

*Also taking note* of the requests of the Governments of Rwanda and Uganda for the deployment of United Nations observers along the common border of their countries as a temporary confidence-building measure,

*Emphasizing* the need to prevent the resumption of fighting, which could have adverse consequences on the situation in Rwanda and on international peace and security,

*Emphasizing also* the need for a negotiated political solution, in the framework of the agreements to be signed by the parties in Arusha, United Republic of Tanzania, in order to put an end to the conflict in Rwanda,

*Paying tribute* to the efforts of the Organization of African Unity and the Government of the United Republic of Tanzania to promote such a solution,

*Taking note* of the joint request to the Secretary-General by the Government of Rwanda and the Rwandese Patriotic Front concerning the establishment of a neutral international force in Rwanda,

*Stressing* the importance of the ongoing negotiations in Arusha between the Government of Rwanda and the Rwandese Patriotic Front, and expressing its readiness to consider assistance to the Organization of African Unity in the implementation of the agreements as soon as they are signed,

1. *Welcomes with appreciation* the report of the Secretary-General;
2. *Decides* to establish the United Nations Observer Mission Uganda-Rwanda to be deployed on the Ugandan side of the border for an initial period of six months, as set out in the report of the Secretary-General, and subject to review every six months;
3. *Decides* that the Mission shall monitor the Uganda-Rwanda border to verify that no military assistance reaches Rwanda, focus being put primarily in this regard on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material which could be of military use;
4. *Requests* the Secretary-General to conclude with the Government of Uganda, before the full deployment of the Observer Mission, a status-of-mission agreement including the safety, cooperation and support the Government of Uganda will provide to the Mission;

5. *Approves* the dispatching of an advance party within fifteen days of the adoption of the present resolution, or as soon as possible after the conclusion of the status-of-mission agreement, and the full deployment within thirty days of the arrival of the advance party;

6. *Urges* the Government of Rwanda and the Rwandese Patriotic Front strictly to respect the rules of international humanitarian law;

7. *Also urges* the Government of Rwanda and the Rwandese Patriotic Front to refrain from any action that could contribute to tension;

8. *Welcomes* the decision of the Secretary-General to support the peace efforts of the Organization of African Unity by putting two military experts at its disposal with a view to assisting the Neutral Military Observer Group, in particular through logistic expertise to help expedite deployment of the enlarged Group to Rwanda;

9. *Further urges* the Government of Rwanda and the Rwandese Patriotic Front to conclude quickly a comprehensive peace agreement;

10. *Requests* the Secretary-General to report to the Security Council on the results of the Arusha peace talks;

11. *Also requests* the Secretary-General to report to the Council on the contribution the United Nations could make to assist the Organization of African Unity in the implementation of the above-mentioned agreement and to begin contingency planning in the event that the Council decides such a contribution is needed;

12. *Further requests* the Secretary-General to report to the Security Council on the implementation of the present resolution within sixty days of the deployment of the Observer Mission;

13. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that the Council's decision sent the parties a clear signal regarding the international community's commitment and determination that the conflict should be resolved by non-military means. His Government welcomed the forthcoming signing of the Arusha agreements by the Government of Rwanda and the RPF, noting that those agreements were reached under the auspices of the OAU and the Government of Tanzania. It further thought it important to consider in due course the contribution the international community might make to the implementation of the agreements. In that connection, the presence of the United Nations Observer Mission Uganda-Rwanda (UNOMUR), which was a first confidence-building measure aimed at easing tension, could create a favourable climate and enhance the implementation of the

overall peace agreements. France believed that the United Nations intervention, requested by both parties, was a precondition for the success of a lasting settlement of the conflict in Rwanda. Moreover, it was in keeping with the Secretary-General's approach of support for the efforts of regional organizations.<sup>19</sup>

**Decision** of 10 September 1993 (3273rd meeting): statement by the President

At its 3273rd meeting, on 10 September 1993, the Council resumed its consideration of the item. The President (Venezuela) stated that, following consultations among the members of the Council, he had been authorized to make the following statement<sup>20</sup> on behalf of the Council:

“The Security Council welcomes the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front concluded on 4 August 1993 at Arusha, United Republic of Tanzania. The Council is aware of the hopes the Rwandese parties entertain that the international community will lend its assistance in the implementation of the agreement. It has also taken note of the importance they attach to 10 September 1993, the date that is to mark the establishment of transitional institutions.

“The Council welcomes in this regard the decision taken by the Secretary-General to send a reconnaissance mission to Rwanda. It hopes to have the report of the Secretary-General based on the recommendations of the mission in the next few days so that it can consider the contribution the United Nations could make to facilitate the implementation of the Arusha Peace Agreement.

“The Council urges the Government of Rwanda and the Rwandese Patriotic Front to continue to honour the Arusha agreement in accordance with their commitments. It further urges them to continue to cooperate with the Neutral Military Observer Group, whose mandate the Secretary-General of the Organization of African Unity has decided to extend on an interim basis.”

**Decision** of 5 October 1993 (3288th meeting): resolution 872 (1993)

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<sup>19</sup> S/PV.3244, pp. 4-5.

<sup>20</sup> S/26425.

On 24 September 1993, pursuant to resolution 846 (1993), the Secretary-General submitted to the Council a report<sup>21</sup> on Rwanda concerning the contribution the United Nations could make towards the implementation of the Arusha peace agreement signed on 4 August 1993. The peace agreement called for a United Nations peace-keeping operation entrusted with the following tasks to assist in ensuring the security of Kigali; to monitor the cease-fire, including demobilization and the establishment of a demilitarised zone and the security situation during the transitional period; to assist with mine-clearance; investigate, at the request of the parties, or on its own, alleged non-compliance with any of the provisions relating to the agreement; and to provide security for the repatriation of Rwandese refugees and displaced persons. The Secretary-General reported that a reconnaissance mission had visited Rwanda, the United Republic of Tanzania and Ethiopia from 19 August to 3 September 1993 to examine the functions that such a force could perform and to assess the resources needed to carry them out.<sup>22</sup> On the basis of the recommendations of the mission, the report set out the concept of operations, proposed structure and deployment schedule of the new operation.

The Secretary-General noted that both sides seemed determined to achieve a durable peace through disarmament, demobilization and national reconciliation. There was serious concern, however, that an inordinate delay in establishing the transitional Government may endanger the peace process. He therefore considered that the United Nations should respond positively to the appeal of the parties for assistance in the implementation of the peace agreement, especially since the mandate of the OAU NMOG II force would terminate by 31 October 1993, and recommended that the Council authorize the establishment of a United Nations Assistance Mission for Rwanda (UNAMIR), with the mandate to contribute to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of the transitional Government. The operation would incorporate the OAU Neutral Military Observer Group (NMOG II), and would integrate UNOMUR's chain of command. Its military personnel would be deployed

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<sup>21</sup> S/26488 and Add.1.

<sup>22</sup> See also Secretary-General's report of 24 August 1993 (S/26350).

progressively and would conduct the operation in four phases.<sup>23</sup> The immediate deployment of an advance party would underscore the determination of the United Nations for the rapid build-up of the military presence needed in Kigali and of the logistic base for the deployment of the force. The subsequent introduction of observers and formed units would enable the force to contribute to the implementation of the disengagement, demobilization and integration phase, while providing an adequate level of security and a credible United Nations presence. Finally, the reduction of the military and civilian police components should ensure that the operation was carried out in a cost-effective manner while contributing to the maintenance of the stability required for the period culminating with the elections.

At its 3288th meeting, on 5 October 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Rwanda, at his request, to participate in the discussion, without the right to vote. The President (Brazil) drew the attention of the members of the Council to a draft resolution<sup>24</sup> prepared in the course of the Council's prior consultations.

Speaking as head of a joint delegation representing the Government of Rwanda and the RPF, the representative of Rwanda stated that the dynamic created by the Arusha peace agreement had put an end to the war and had provided the parties with the appropriate framework for setting up transitional institutions designed to consolidate political pluralism and the ongoing democratic process in Rwanda. He informed the Council that the Secretary-General's report was acceptable to both parties and asked the Council to approve the report and follow up the recommendations contained therein with the urgency they deserved. Rwanda viewed the United Nations mission for Rwanda as a valuable tool for implementing the peace agreement for the two belligerent parties. The mission would serve as an arbiter and facilitator as they progressed towards consolidating peace and achieving national reconciliation and democratization throughout the country. He assured the Council that the Government of Rwanda and the RPF would do all in their power to

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<sup>23</sup> See para. 40 to 43 of the report of the Secretary-General (S/26488).

<sup>24</sup> S/26519.

abide strictly by the peace agreement and see to it that the United Nations assistance mission would not encounter any problems. He emphasized that the mission should be in place as soon as possible and requested that the deadlines set forth in the Secretary-General's report for its deployment be advanced. Everything must be done to ensure that the two armies were immediately disengaged and a joint national army established. He noted further that nearly one million people displaced by war awaited the deployment of the United Nations mission so that they might return home safely. By re-establishing conditions of security, the United Nations mission would further the recovery of Rwanda's economy and would establish confidence in the countries in the sub-region, fostering the re-establishment of the regional economic aid programmes dislocated by war.<sup>25</sup>

Speaking before the vote, the representative of Cape Verde stated that the proper and rapid implementation of the consensus draft resolution before the Council was a *sine qua non* for the United Nations assistance mission for Rwanda to carry out its work successfully. That decisive contribution of the United Nations to the resolution of the conflict in Rwanda was, at the same time – and especially in the eyes of small countries – an assurance that the United Nations was the main instrument at the service of the peoples in questions relating to the promotion and preservation of international peace and security. Noting the importance of international humanitarian assistance to Rwanda, he expressed the hope that the political will of the international community would be speedily translated into concrete acts of support for national reconstruction. He also praised the decisive role played by the OAU and by Tanzania, as facilitator, in the process leading to the settlement of the conflict in Rwanda. The action of the OAU showed the correctness of the Secretary-General's proposals in his report "An agenda for peace", dealing with the role of organizations and regional arrangements in the realm of conflict resolution in concert with the United Nations. He encouraged the OAU to pursue its efforts, to avail itself of the help of the entire international community and to arm itself with more mechanisms and necessary means to prevent and resolve conflicts in Africa.<sup>26</sup>

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<sup>25</sup> S/PV.3288, pp. 3-12.

<sup>26</sup> *Ibid.*, pp. 13-15.

The draft resolution was then put to the vote and adopted unanimously as resolution 872 (1993), which reads as follows:

*The Security Council,*

*Reaffirming* its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

*Reaffirming also* its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

*Having considered* the report of the Secretary-General of 24 and 29 September 1993,

*Welcoming* the signing, on 4 August 1993, of the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (including its Protocols) at Arusha, United Republic of Tanzania,<sup>16</sup> and urging the parties to continue to comply fully with it,

*Taking note of* the conclusion of the Secretary-General that in order to enable the United Nations to carry out its mandate successfully and effectively, the full cooperation of the parties with one another and with the Organization is required,

*Stressing* the urgency of the deployment of an international neutral force in Rwanda, as underlined both by the Government of the Republic of Rwanda and by the Rwandese Patriotic Front and as reaffirmed by their joint delegation to the Headquarters of the United Nations in New York,

*Paying tribute* to the role played by the Organization of African Unity and by the Government of the United Republic of Tanzania in the conclusion of the Arusha Peace Agreement,

*Resolved* that the United Nations should, at the request of the parties and under peaceful conditions with the full cooperation of all the parties, make its full contribution to the implementation of the Arusha Peace Agreement,

1. *Welcomes* the report of the Secretary-General;
2. *Decides* to establish a peace-keeping operation entitled “United Nations Assistance Mission for Rwanda” for a period of six months subject to the proviso that it will be extended beyond the initial ninety days only upon a review by the Council on the basis of a report from the Secretary-General as to whether or not substantive progress has been made towards the implementation of the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front;
3. *Also decides* that, drawing from the Secretary-General's recommendations, the Mission shall have the following mandate:
  - (a) To contribute to the security of the city of Kigali, inter alia, within a weapons-secure area established by the parties in and around the city;

(b) To monitor observance of the cease-fire agreement, which calls for the establishment of cantonment and assembly zones and the demarcation of the new demilitarized zone and other demilitarization procedures;

(c) To monitor the security situation during the final period of the transitional Government's mandate, leading up to the elections;

(d) To assist with mine clearance, primarily through training programmes;

(e) To investigate at the request of the parties, or on its own initiative, instances of alleged non-compliance with the provisions of the Protocol of Agreement on the Integration of the Armed Forces of the Two Parties, and to pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General;

(f) To monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons to verify that it is carried out in a safe and orderly manner;

(g) To assist in the coordination of humanitarian assistance activities in conjunction with relief operations;

(h) To investigate and report on incidents regarding the activities of the gendarmerie and police;

4. *Approves* the proposal of the Secretary-General that the United Nations Observer Mission Uganda-Rwanda established by resolution 846 (1993) should be integrated within the Assistance Mission;

5. *Welcomes* the efforts and the cooperation of the Organization of African Unity in helping to implement the Arusha Peace Agreement, in particular the integration of the Neutral Military Observer Group within the Assistance Mission;

6. *Also approves* the proposal of the Secretary-General that the deployment and withdrawal of the Assistance Mission should be carried out in stages, and notes in this connection that the mandate of the Assistance Mission, if extended, is expected to terminate following national elections and the installation of a new Government in Rwanda, events which are scheduled to occur by October 1995, but no later than December 1995;

7. *Authorizes* the Secretary-General in this context to deploy in the shortest possible time, the first contingent, at the level specified in the report of the Secretary-General, to Kigali for an initial period of six months, which, when fully in place, will permit the establishment of the transitional institutions and implementation of the other relevant provisions of the Arusha Peace Agreement;

8. *Invites* the Secretary-General, in the context of the report referred to in paragraph 2 above, also to report on the progress of the Assistance Mission following its initial deployment, and resolves to review as appropriate, on the basis of that report and as part of the review referred to in paragraph 2 above, the requirement for further deployments in the scale and composition recommended by the Secretary-General in his report;



9. *Also invites* the Secretary-General to consider ways of reducing the total maximum strength of the Assistance Mission, in particular through phased deployment without thereby affecting its capacity to carry out its mandate, and requests the Secretary-General, in planning and executing the phased deployment, to seek economies and to report regularly on what is achieved in this regard;

10. *Welcomes* the intention of the Secretary-General to appoint a special representative to lead the Assistance Mission in the field and exercise authority over all its elements;

11. *Urges* the parties to implement the Arusha Peace Agreement in good faith;

12. *Requests* the Secretary-General to conclude expeditiously an agreement on the status of the Mission, and all personnel engaged in the operation in Rwanda, to come into force as near as possible to the outset of the operation and no later than thirty days after the adoption of the present resolution;

13. *Demands* that the parties take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

14. *Urges* Member States, the specialized agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance to the Rwandese population and of the democratization process in Rwanda;

15. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that, in acting promptly, the Council had made it possible to establish an element essential to the full implementation of the Arusha peace agreement. UNAMIR would make it possible to set in motion the peace process by installing provisional institutions which would be able, in turn, to launch the process of economic reconstruction and organize the repatriation of many refugees and displaced persons. The Secretary-General was authorized to deploy a contingent in Kigali as soon as possible, followed by the dispatching of other elements to be put gradually in place. In establishing that operation, the Council did not intend to wait passively for the peace process to conclude. The Council had clearly indicated that the United Nations did not intend to stay in Rwanda indefinitely. UNAMIR had, in fact, been set up with a specific deadline and the Council would soon consider a report reviewing the implementation of the Arusha peace agreement, on which might hinge the successive deployments that were foreseen. He concluded by stating that the all too rare example set by the Government of Rwanda and the RPF of the coming together of two parties long

opposed must lead the Council to recognize that that was a special case of United Nations intervention.<sup>27</sup>

The representative of the United Kingdom regarded the Arusha peace agreement as a good example of the way in which a regional organization could contribute to conflict resolution. In a sense, an African solution was found to an African problem. The United Kingdom encouraged regional organizations, and in particular the OAU, to build on that experience. It was important that the OAU should remain engaged in the implementation of the settlement. While ultimately it was for the Rwandese themselves to bring about a solution and ensure the return of refugees and the resettlement of displaced persons, it was right that the international community should help them in that task. His Government attached importance to the early integration of UNOMUR into the force being set up in Rwanda, but regarded that as being without any prejudice to the continuing validity of the different mandates of those two forces, the mandate of UNOMUR being set out in resolution 846 (1993) and not changed in any way by resolution 872 (1993). He concluded by stressing that, as recent events elsewhere had demonstrated, the United Nations could not impose peace where there was no willingness to sustain compromise. It was essential, therefore, that the parties continue to cooperate fully and stick firmly to the timetable that they had set for themselves for national reconciliation and elections.<sup>28</sup>

The representative of the United States said that the adoption by the Council of resolution 872 (1993) was a crucial prerequisite which allowed both parties to build on the trust they had created. The deployment of the force would advance the goals of peaceful conflict resolution and democratisation, and allow the return of hundreds of those who had fled their homes. His Government was deeply concerned about the increasing burden – both in terms of manpower and financial resources – which the United Nations was being asked to shoulder. For that reason, it was pleased to note that resolution 872 (1993) had a tightly focused mandate. The Council's continued support would depend in large measure on the demonstration of substantive progress towards the implementation of the peace

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<sup>27</sup> *Ibid.*, pp. 19-20.

<sup>28</sup> *Ibid.*, pp. 21-22.

agreement and the establishment of transitional institutions in advance of national elections. His Government would continue to monitor and work to reduce costs and personnel levels throughout that peacekeeping operation.<sup>29</sup>

According to the representative of the Russian Federation, the signing of the Arusha peace agreement demonstrated the ability of the regional machinery of the OAU to unravel the intricate knots of conflict on the African continent by political methods. Russia had consistently advocated the pooling of United Nations efforts and those of regional organizations in the resolution of conflicts. In that connection, the experience of effective interaction between the United Nations and the OAU in the Rwanda settlement could also be utilized in other areas of the world which required determined intervention by the international community. Russia was also prepared, together with the international community, to support United Nations efforts and efforts of regional organizations aimed at seeking peaceful ways to resolve military conflicts and crises.<sup>30</sup>

Other speakers welcomed the signing of the Arusha peace agreement and the political willingness demonstrated by the parties to restore stability to their country. They noted with appreciation the role played, among others, by the OAU and the Government of Tanzania, as facilitator, towards the achievement of a political settlement. They expressed support for the establishment of UNAMIR as requested by the parties and recommended by the Secretary-General. They called upon the parties to abide by their undertakings with a view to implementing the peace agreement.<sup>31</sup>

**Decision** of 20 December 1993 (3324th meeting): resolution 891 (1993)

On 15 December 1993, pursuant to resolution 846 (1993), the Secretary-General submitted to the Council his second report<sup>32</sup> on UNOMUR. The Secretary-General reported that UNOMUR's activities had been effective both as a deterrent and as

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<sup>29</sup> *Ibid.*, pp. 22-23.

<sup>30</sup> *Ibid.*, p. 26.

<sup>31</sup> *Ibid.*: Morocco, pp. 10-12; Djibouti, pp. 15-19; China, pp. 23-24; Pakistan, 24-26; Brazil, pp. 27-29.

<sup>32</sup> S/26878. A first report (S/26618) was submitted on 22 October 1993.

interdiction. As a result, clandestine cross-border traffic had decreased appreciably. The civilian and military authorities in the mission area had generally shown cooperation, despite some isolated attempts to curtail the freedom of movement of UNOMUR. Regarding the proposal that UNOMUR be integrated within UNAMIR, he recalled that Uganda had expressed some concern. Following consultations with the Government of Uganda, the Under-Secretary-General for Peace-keeping Operations had confirmed to the representative of Uganda by a letter dated 22 October 1993 that the proposed integration would be purely administrative in nature and that it would in no way affect the mandate of UNOMUR as set out in resolution 846 (1993). Assurances were also provided that the UNOMUR status-of-mission agreement, concluded on 16 August 1993, remained valid and would continue to govern relations between Uganda and the United Nations on that matter. The Secretary-General believed that UNOMUR had been a factor of stability in the area and that it was playing a useful role as a confidence-building mechanism. It was his understanding that his view was shared by the Governments of Uganda and Rwanda. He therefore recommended to the Council that the mandate of UNOMUR be extended for a period of six months, as envisaged in resolution 846 (1993).

At its 3324th meeting, on 20 December 1993, the Security Council included the above report in its agenda. Following the adoption of the agenda, the Council invited the representatives of Rwanda and Uganda, at their request, to participate in the discussion without the right to vote. The President (China) drew the attention of the members of the Council to a draft resolution<sup>33</sup> prepared in the course of the Council's prior consultations.

The draft resolution was then put to the vote and adopted unanimously as resolution 891 (1993), which reads as follows:

*The Security Council,*

*Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,*

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<sup>33</sup> S/26888.

*Recalling* its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda,

*Having examined* the report of the Secretary-General of 15 December 1993 on the United Nations Observer Mission Uganda-Rwanda,

*Welcoming* the substantial results obtained by the deployment of the Observer Mission,

*Endorsing* the Secretary-General's view, shared by the Governments of Uganda and Rwanda, that the Observer Mission has been a factor of stability in the area and that it is playing a useful role as a confidence-building mechanism,

1. *Welcomes with satisfaction* the report of the Secretary-General;
2. *Decides* to extend the mandate of the United Nations Observer Mission Uganda-Rwanda for a period of six months, as envisaged in resolution 846 (1993);
3. *Notes* that the integration of the Observer Mission within the United Nations Assistance Mission for Rwanda is purely administrative in nature and that it will in no way affect the mandate of the Observer Mission as set out in resolution 846 (1993);
4. *Expresses its appreciation* to the Government of Uganda for its cooperation and support of the Observer Mission;
5. *Urges* the civilian and military authorities in the mission area to continue to have a cooperative attitude;
6. *Decides* to remain seized of the matter.

After the vote, the representative of France noted the indications in the Secretary-General's report that UNOMUR had achieved tangible results on the ground: it had succeeded in monitoring the Rwanda-Uganda border and had enjoyed the full cooperation of the Ugandan authorities in carrying out its mandate. Hence, UNOMUR had been a factor of stability in the region and had played a useful part in restoring the confidence that was necessary for the implementation of the Arusha peace agreement. The Mission's success warranted the renewal of its mandate for a further six months. It also justified UNOMUR's continuing to exercise its own legal autonomy, in line with the wishes of the Ugandan authorities, who had signed a status-of-Mission agreement with the United Nations.<sup>34</sup>

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<sup>34</sup> S/PV.3324, p. 4.

**Decisions** of 6 January 1994 (3326th meeting): letter from the President and resolution 893 (1994)

On 30 December 1993, pursuant to resolution 872 (1993), the Secretary-General submitted to the Council a report<sup>35</sup> on UNAMIR. The Secretary-General reported that following a series of violent incidents in November and December 1993, which had caused the death of some 40 persons, his Special Representative had undertaken several initiatives in order to help defuse the tension prevalent in the country and to get the signatories to the Arusha peace agreement to renew their commitment to implementing the peace plan. Those initiatives included the convening, on 10 December 1993, at Kinihira, of a meeting between the Government of Rwanda and the RPF, at which the parties issued a joint declaration whereby they reaffirmed their commitment to do their utmost in order to achieve the goals of peace and national reconciliation set by the Arusha peace agreement and agreed to set up a broad-based transitional government before 31 December 1993.

The Secretary-General noted that the initial deployment of UNAMIR had proceeded largely on schedule. Although the logistic support capabilities of UNAMIR were still inadequate, there was, on the ground, a minimum viable force which could respond to the most pressing needs in Kigali. However, the situation in the demilitarised zone and in the north-west of the country remained unstable and the situation in which Burundi had developed following the *coup d'état* had created a new source of tension on the southern border. The deployment of the personnel required for the second phase of the operation should therefore be undertaken on an urgent basis. He therefore recommended that the Council agree that UNAMIR should continue to implement the mandate entrusted to it under resolution 872 (1993) and stated that he intended to proceed with the implementation plan outlined in his report of 24 September 1993, including the early deployment of the second battalion in the demilitarised zone.<sup>36</sup> As far as the reduction of the total maximum strength of UNAMIR was concerned, he would continue to seek economies through the phased deployment and withdrawal of UNAMIR personnel. He

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<sup>35</sup> S/26927.

<sup>36</sup> *Ibid.*, para. 30.

was convinced, however, that, under the circumstances, a reduction in the projected resource levels would negatively affect the performance and credibility of UNAMIR in the discharge of its mandate and could also jeopardize the peace process in Rwanda.

In a letter<sup>37</sup> dated 6 January 1994, the President of the Council informed the Secretary-General as follows:

“The members of the Security Council have taken note of your report of 30 December 1993 on the United Nations Assistance Mission for Rwanda, on the basis of which they have completed the review provided for in paragraph 2 of resolution 872 (1993) of 5 October 1993.”

At its 3326th meeting, on 6 January 1994, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Czech Republic) drew the attention of the members of the Council to a draft resolution<sup>38</sup> prepared in the course of the Council’s prior consultations and read out a revision to be made to the draft text in its provisional form.

Speaking before the vote, the representative of Rwanda stated that the Council’s consideration of the Secretary-General’s recommendations could generate fresh momentum and provide additional guarantees of the success of the peace process in Rwanda. The nature of the important functions given to UNAMIR under resolution 872 (1993) showed that the success of the peace process depended completely on the carrying out of UNAMIR’s mission. The cease-fire and the deployment in Kigali of the RPF security battalion would make it possible, after the ongoing consultations, to put in place a transitional National Assembly and a broader-based transitional Government. To establish lasting peace, the security of the population must be ensured, especially in the demilitarised zone. Rwanda therefore welcomed the Council’s decision to deploy a second battalion, to be based in the demilitarised zone. The additional deployments were especially necessary

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<sup>37</sup> S/1994/14.

<sup>38</sup> S/1994/11.

and urgent since the situation in the demilitarised zone and in the north-west of the country remained precarious. The operation would also make it possible to limit the consequences of the horrific events in Burundi, which had led to an influx of refugees. The speaker felt that UNAMIR must be given logistic support and that it was necessary to continue activities related to providing emergency assistance and guaranteeing the return of displaced persons to their homes.<sup>39</sup>

The representative of Nigeria noted with satisfaction that the situation in Rwanda had, on the whole, stabilized, to the extent that it was possible for a President to be sworn in. Nigeria concurred with the specific request of the Secretary-General that an additional battalion should be deployed, on an urgent basis, to secure the demilitarised zone and protect the large population living there. He confirmed the decision of his Government to send personnel to augment UNAMIR. Nigeria hoped that with increased international assistance and support for existing efforts and actions in Rwanda it would soon be possible for a transitional Government to be established there so that the tasks of reconciliation, reconstruction and development could begin in earnest. Increased international assistance for Rwanda was necessary not only to boost the military and logistic capacities of UNAMIR, but also to provide humanitarian support for the population adversely affected by the internal conflict and to alleviate the refugee problem and the attendant dislocation of population and economies in Rwanda.<sup>40</sup>

The draft resolution, as orally revised, was then put to the vote and adopted unanimously as resolution 893 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda,

*Recalling* its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

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<sup>39</sup> S/PV.3326, pp. 4-6.

<sup>40</sup> *Ibid.*, pp. 6-10.



*Having examined* the report of the Secretary-General of 30 December 1993, in the context of the review called for in its resolution 872 (1993), as well as his previous report of 24 September 1993,

*Welcoming* the conclusion, on 5 November 1993, of an agreement on the status of the Mission and its personnel in Rwanda,

*Taking note* of the progress described in the report of the Secretary-General of 30 December 1993 in implementing the Arusha Peace Agreement,

*Welcoming further* the valuable contribution made to peace in Rwanda by the Mission,

*Noting with concern* the incidents of violence in Rwanda and the consequences for Rwanda of the situation in Burundi, and urging all concerned to reaffirm their commitment to peace,

*Welcoming also* the joint statement made by the parties at Kinyihira, Rwanda, on 10 December 1993 concerning the implementation of the Arusha Peace Agreement and, in particular, the prompt establishment of a broad-based transitional Government,

1. *Reaffirms its approval* of the proposal of the Secretary-General concerning the deployment of the United Nations Assistance Mission for Rwanda as outlined in his report of 24 September 1993, including the early deployment of the second battalion to the demilitarized zone as indicated in paragraph 30 of his report of 30 December 1993;

2. *Strongly urges* the parties to cooperate fully in furthering the peace process, to comply fully with the Arusha Peace Agreement on which the schedule contained in the report of the Secretary-General of 24 September 1993 is based, and in particular to establish a broad-based transitional Government at the earliest opportunity in accordance with the Agreement;

3. *Stresses* that continued support for the Mission will depend upon the full and prompt implementation by the parties of the Arusha Peace Agreement;

4. *Welcomes* the continued efforts by the Secretary-General and his Special Representative to help promote and enhance dialogue among all the parties concerned;

5. *Commends* the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and urges others to provide such assistance;

6. *Commends* in particular the efforts of the Organization of African Unity, its member States and agencies in providing diplomatic, political, humanitarian and other support for the implementation of resolution 872 (1993);

7. *Reiterates its request* to the Secretary-General to continue to monitor the size and cost of the Mission to seek economies;

8. *Decides* to remain actively seized of the matter.

After the vote, the representative of France noted that the positive developments in Rwanda reported by the Secretary-General were made possible by the prompt deployment of an initial contingent in Kigali, whose presence had allowed the RPF to establish itself in the capital. That brought nearer an agreement that would make it possible for transitional institutions to be established. The main objective of the deployment of a second battalion was to bring security to the populations of the regions where violence had occurred. He stressed that the continuation of the United Nations action in Rwanda depended directly on the efforts by the parties to restore peace definitely to Rwanda.<sup>41</sup>

The representative of Brazil noted that in the first 90 days following the Council's adoption of resolution 872 (1993), there had been sufficient compliance with the provisions of the Arusha peace agreement allowing enough substantive progress to be achieved towards its implementation, thus warranting the extension of UNAMIR beyond its initial period. The early deployment of a second battalion in the demilitarised zone should take place promptly so as not to jeopardize UNAMIR's mandate in assuring the unimpeded continuation of the peace process in Rwanda. Brazil recognized that the full and continued cooperation of all parties concerned was an essential prerequisite for a successful implementation of the Arusha peace agreement. In that connection, the Council should not lose sight of the importance of the prompt establishment of a broad-based transitional Government in Rwanda as a key element of the agreement.<sup>42</sup>

The President, speaking in his capacity as the representative of the Czech Republic, noted that the developments in Burundi jeopardized the national process of political and social reconciliation in Rwanda and threatened to convulse the region at large. He noted further that the prerequisites for extension of UNAMIR's mandate beyond the initial 90-day period had not all been met. Nonetheless, the establishment of a transitional government would have been a sign of definite progress, but the parties had continued to show goodwill and cooperation and the cease-fire had been generally respected.<sup>43</sup>

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<sup>41</sup> *Ibid.*, pp. 10-11.

<sup>42</sup> *Ibid.*, pp. 12-14.

<sup>43</sup> *Ibid.*, pp. 15-16.

**Decision** of 17 February 1994 (3337th meeting): statement by the President

At its 3337th meeting, on 17 February 1994, the Security Council resumed its consideration of the item. The President (Djibouti) stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>44</sup> on behalf of the Council:

“The Security Council, which welcomed the conclusion of the Arusha Peace Agreement and the political will demonstrated by the Rwandese parties in implementing it, remains deeply concerned by the delays in establishing the broad-based transitional Government which is one of the key points in the Agreement. The absence of such a Government is an impediment to progress under the Agreement and the functioning of institutions of the State. Furthermore, it is having adverse effects on the humanitarian situation in the country, the deterioration of which is of profound concern to the international community. The speedy installation of a broad-based transitional Government would facilitate the provision of more effective assistance to the populations in need.

“The Council, taking note of the fact that the President of Rwanda has been sworn in as the interim head of State, encourages him, in the context of that responsibility, to continue his efforts for the speedy installation of the other transitional institutions, in conformity with the Arusha Peace Agreement.

“The Council calls on all the parties concerned to overcome their differences and cooperate fully with the Special Representative of the Secretary-General of the United Nations and the Organization of African Unity in order to advance the process of national reconciliation. It strongly urges the establishment, without delay, of the provisional institutions provided for in the Arusha Peace Agreement.

“The Council is also deeply concerned at the deterioration in the security situation, particularly in Kigali. In this connection, it reminds the parties of their obligation to respect the weapon-free zone established in and around the city.

“The Council calls the attention of the parties to the consequences for them of non-compliance with that provision of the Arusha Peace Agreement. It notes that the United Nations Assistance Mission for Rwanda will be assured of consistent support only if the parties implement the Agreement fully and rapidly.”

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<sup>44</sup> S/PRST/1994/8.

**Decision** of 5 April 1994 (3358th meeting): resolution 909 (1994)

On 30 March 1994, pursuant to resolution 872 (1993), the Secretary-General submitted to the Council his second progress report on UNAMIR<sup>45</sup>. The Secretary-General reported that despite the fact that the parties had agreed, at Kininhira, on 10 December 1993, to set up the broad-based transitional Government and the Transitional National Assembly before 31 December 1993, those steps had not yet been taken due to the inability of the parties concerned to agree on the relevant modalities. Of the new institutions envisaged, thus far, only the Presidency, which was officially installed on 5 January, had thus far been put in place. The prolonged delay in putting the transitional institutions in place had not only prevented UNAMIR from carrying out its tasks in accordance with the approved implementation schedule, but had also posed a threat to the peace process. The failure to establish the broad-based transitional Government and the Transitional National Assembly constituted a serious impediment to the implementation of the peace agreement and to the smooth functioning of State institutions. The Secretary-General and his Special Representative had stressed to the Rwandese political leaders that, without the early establishment of the Government and the Transitional National Assembly, it would be difficult to affirm that sufficient progress had been made in the implementation of the peace agreement to warrant the continued support of the international community.

The Secretary-General further reported that despite the increased tension and insecurity engendered by the political impasse, the cease-fire generally appeared to hold and UNAMIR continued to play a stabilizing role. Regarding the civilian police component, he noted that it had been able to deploy and operate only in Kigali. An additional 45 civilian police monitors would be required for deployment in the country's provinces.<sup>46</sup>

In his conclusions, the Secretary-General noted that progress made thus far in the negotiations suggested that a compromise could be reached on the transitional institutions.

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<sup>45</sup> S/1994/360.

<sup>46</sup> *Ibid.*, para. 38.

He therefore recommended that the Council decide to extend the mandate of UNAMIR for a period of six months. However, in the event that the transitional institutions were not installed within the next two months and if, by that time, sufficient progress in the implementation of the next phase of the peace agreement had not also been achieved, the Council should then review the situation, including the role of the United Nations.

At its 3358th meeting, on 5 April 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to a draft resolution<sup>47</sup> prepared in the course of the Council's prior consultations.

Speaking in explanation of vote, before the vote, the representative of Rwanda observed that an evaluation of the peace process in Rwanda showed that there had been some progress in implementing the Arusha Peace Agreement, although there had been difficulties which had delayed the establishment of some transitional institutions. The progress included, at the political level, the establishment of the presidency on 5 January 1994. With regard to the establishment of the other institutions, the only remaining problem concerned the participation in the National Assembly by one party. The parties had only to overcome that one problem as soon as possible, with the support of the international community and the Security Council, in particular, before proceeding to the establishment of the transitional institutions. In parallel, the parties had also made progress at the military level, with the support of UNAMIR. It was also noteworthy that the difficulties in establishing the transitional institutions had not affected the cease-fire, which demonstrated the parties' unwavering commitment to the peace process. The speaker further stated that extending UNAMIR's mandate would help to support the stabilizing role it played in Rwanda. The renewal of UNAMIR's mandate would also contribute to international peace and security because of the role the Mission continued to play in efforts to deal with the results of the situation caused by events since 21 October 1993 in Burundi. That situation came on top of the general problem of insecurity, which must be resolved in

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<sup>47</sup> S/1994/391.

order to make the process of peace and democratisation under way in Rwanda sturdy and lasting. Increasing the size of UNAMIR's civilian police contingent would respond to that need. With reference to the draft resolution before the Council, the speaker said that the people of Rwanda were aware that, given the review of the situation in Rwanda that was scheduled to take place within the next six weeks, the parties must respond without delay to that strong message from the Council and make progress by establishing the transitional institutions and by taking the necessary steps for phase II of the Secretary-General's plan to come into effect.<sup>48</sup>

The representative of Nigeria noted that the Secretary-General's report contained both positive and negative elements. First, UNAMIR had continued to assist the implementation of the Arusha peace agreement and a President had been sworn in on schedule. Secondly, following the signing of the Peace Agreement, the cease-fire had generally been respected, a fact which attested to the commitment of the parties to the peace process as set out in the Agreement. Thirdly, the success achieved in the deployment area and the presence of UNAMIR military personnel in parts of the country had helped to stabilize the situation and foster a climate conducive to peace negotiations. On the other hand, it was regrettable that efforts to establish a broad-based transitional Government and the Transitional National Assembly had not yet yielded the desired result, due to the inability of the parties to agree on the relevant modalities. It was vital that the political deadlock that had stalled fulfilment of the four-phase plan d not be allowed to continue. His delegation believed that, whilst efforts to bring all the parties on board the peace train might continue, the collective will of the people of Rwanda must not be held hostage to the whims and caprices of one party. His delegation believed that the draft resolution that the Council was about to adopt would make a significant contribution to moving the political process forward by extending the mandate of UNAMIR, by agreeing to strengthen the civilian police contingent, and by encouraging an increased provision of humanitarian and other assistance.

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<sup>48</sup> S/PV.3358, pp. 2-3.

The draft resolution was then put to the vote and adopted unanimously as resolution 909 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda, as well as its resolution 893 (1994) of 6 January 1994,

*Recalling* its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

*Recalling also* the statement by the President of the Council of 17 February 1994,

*Having considered* the report of the Secretary-General of 30 March 1994,

*Welcoming* the valuable contribution to peace being made in Rwanda by the Mission,

*Expressing its deep concern* at the delay in the establishment of the broad-based transitional Government and the Transitional National Assembly,

*Emphasizing* that the Security Council, in its resolution 893 (1994), authorized the deployment of a second battalion to the demilitarized zone as recommended by the Secretary-General in his report of 30 December 1993, and that the international community has thus done its part in ensuring that conditions exist for implementing the Arusha Peace Agreement,

*Considering* that the fact that the transitional institutions have not been established constitutes a major obstacle to the implementation of the Arusha Peace Agreement,

*Concerned* at the deterioration in security in the country, particularly in Kigali,

*Concerned also* at the deterioration of the humanitarian and health situation,

1. *Welcomes* the report of the Secretary-General of 30 March 1994;
2. *Decides* to extend the mandate of the United Nations Assistance Mission for Rwanda until 29 July 1994, on the understanding that the Security Council will, within the next six weeks, review the situation in Rwanda, including the role played in that country by the United Nations, if the Secretary-General informs it in a report that the transitional institutions provided for under the Arusha Peace Agreement have not been established and that insufficient progress has been made for the implementation of phase 2 of the Secretary-General's plan contained in his report of 24 September 1993;
3. *Regrets* the delay in the implementation of the Arusha Peace Agreement, and urges the parties to resolve their latest differences without delay with a view to the immediate establishment of those transitional institutions still required for the continuation of the process, and particularly the implementation of phase 2;

4. *Welcomes* the fact that, despite the difficulties encountered in implementing the Arusha Peace Agreement, the cease-fire has been respected, and commends in this respect the essential contribution made by the Mission;

5. *Recalls*, nevertheless, that continued support for the Mission, including the provision of an additional forty-five civilian police monitors as described in paragraph 38 of the report of the Secretary-General of 30 March 1994, will depend upon full and prompt implementation by the parties of the Arusha Peace Agreement;

6. *Welcomes* the continued efforts by the Secretary-General and his Special Representative to help promote and facilitate dialogue between all parties concerned;

7. *Commends* the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and again urges others to provide such assistance;

8. *Commends* in particular the efforts of the Organization of African Unity and its agencies, as well as those of the Tanzanian facilitator, in providing diplomatic, political, humanitarian and other support for the implementation of the relevant resolutions of the Council;

9. *Reiterates its request* to the Secretary-General to continue to monitor the size and cost of the Mission to seek economies;

10. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that the Rwandese parties had continuously reaffirmed that they were deeply committed to implementing the Arusha peace agreement, as demonstrated by the fact that the cease-fire had been generally observed. For that reason, it was essential for the United Nations to continue to support the process. Noting that the only difficulty remaining in the establishment of the transitional institutions was the participation of one political party in the Transitional National Assembly (TNA) and, further, that the President of Rwanda had committed himself to establishing the transitional institutions as soon as that obstacle was overcome, the French Government saw no reason why that could not be done within the six-week period provided for in resolution 909 (1994). He warned that if no progress was noted during that time, the Council might proceed to a reassessment of the Organization's commitment to Rwanda. Since UNAMIR would enjoy continued support only if the parties wholly and



promptly implemented the peace agreement, they should understand that henceforth they were under an obligation to produce results.<sup>49</sup>

The representative of the United States strongly supported the Council's decision to limit the extension of UNAMIR's mandate and to review within six weeks the progress made by the parties towards implementing the Arusha peace agreement and the role of the United Nations, including UNAMIR's future. While UNAMIR had played a key role in keeping the peace in Rwanda under difficult circumstances, the continuing political impasse had made its mission much more difficult, and had contributed to the deteriorating security situation in Rwanda. The Arusha accords were justifiably hailed as an historic achievement in regional conflict resolution. They provided the blueprint for transition to full democracy and national reconciliation and must be fully and expeditiously implemented in their entirety. The United States called on all sides to redouble their efforts and act in the national interest to put the transitional government in place as soon as possible.<sup>50</sup>

**Decision** of 7 April 1994 (3361st meeting): statement by the President

At its 3361st meeting, on 7 April 1994, the Security Council resumed its consideration of the item. The President stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>51</sup> on behalf of the Council:

“The Security Council is deeply disturbed by the tragic incident that resulted in the deaths of the Presidents of Burundi and Rwanda on 6 April 1994 and the ensuing violence. The Council expresses regret at the incident. It invites the Secretary-General to collect all available information with all means at his disposal and report to the Council as soon as possible.

“The Council is following with great concern the situation as described by the Secretariat in its oral report. There has been considerable loss of lives, including the deaths of government leaders, many civilians and at least ten Belgian peace-keepers, as well as the reported kidnapping of

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<sup>49</sup> *Ibid.*, pp. 5-6.

<sup>50</sup> *Ibid.*, p. 6.

<sup>51</sup> S/PRST/1994/16.

others. The Council strongly condemns these horrific attacks and their perpetrators, who must be held responsible.

“The Council strongly condemns all these acts of violence and in particular these attacks against United Nations personnel, and urges the Rwandese security forces and military and paramilitary units to put an end to these attacks and to cooperate fully with the United Nations Assistance Mission for Rwanda in the implementation of its mandate. It further demands that all measures be taken to provide security throughout the country and particularly in Kigali and the demilitarized zone. Furthermore, the Council expresses its extreme concern at the implications for United Nations personnel and requests the Secretary-General to report on and take measures necessary to ensure their safety and security. The Council also demands that free access to the airport be restored in order to allow those who wish to enter or leave the country to do so.

“The Council appeals to all Rwandese and to all parties and factions to desist from any further acts or threats of violence and to maintain the positions they held before the incident. It urges respect for the safety and security of the civilian population and of the foreign communities living in Rwanda, as well as of Mission and other United Nations personnel.

“The Council earlier this week renewed the mandate of the United Nations operation in Rwanda for a further four months, with a six-week review provision on the understanding that progress would be made in establishing all the transitional institutions provided for under the Arusha Peace Agreement. It reaffirms its commitment to the Agreement and urges all parties to implement it fully and in particular to respect the cease-fire.

“The Council will remain seized of the matter.”

**Decision** of 21 April 1994 (3368th meeting): resolution 912 (1994)

On 20 April 1994, the Secretary-General submitted to the Council a special report<sup>52</sup> on UNAMIR. He reported that following the plane crash at Kigali airport on 6 April 1994, which caused the deaths of, among others, the Presidents of Rwanda and Burundi, widespread killings had taken place. Authority had collapsed, the provisional Government disintegrated and some of its members had been killed. The Prime Minister and other members of the Rwandese Government, as well as 10 members of the Belgian contingent serving with UNAMIR, had been brutally murdered by unruly members of the Presidential Guard. In addition, fighting had resumed between Government troops and the RPF and the efforts of UNAMIR to bring about a cease-fire had so far been fruitless.

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<sup>52</sup> S/1994/470.

The Secretary-General stated that it had become impossible for UNAMIR to continue the tasks under its mandate. In that critical situation, he proposed three alternatives: (a) an immediate and massive reinforcement of UNAMIR and a change in its mandate so that it would be equipped and authorized to coerce the opposing forces into a cease-fire, and to attempt to restore law and order. Several thousand additional troops would be required and UNAMIR might have to be given enforcement powers under Chapter VII of the Charter; (b) a small group headed by the Force Commander would remain in Kigali to act as intermediary between the two parties in an attempt to bring them to an agreement on a cease-fire, that effort being maintained for a period of up to two weeks or longer, should the Council so prefer. The team would require the support of an infantry company to provide security, as well as a number of military observers to monitor the situation, the total being estimated at about 270; and (c) a complete withdrawal of UNAMIR, an option which the Secretary-General did not favour<sup>53</sup>. With regard to the first option, the Secretary-General indicated that Rwanda and Uganda had urged that UNAMIR be reinforced and retained in Rwanda.

At its 3368th meeting, on 21 April 1994, the Council included the special report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to several documents.<sup>54</sup> He also drew their attention to a draft resolution<sup>55</sup> prepared in the course of the Council's prior consultations.

Speaking before the vote, the representative of Nigeria noted that while the Secretary-General's report constituted the basis for the draft resolution before the Council, none of the three options presented in the report completely met the satisfaction of his

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<sup>53</sup> Ibid., paras. 15-18.

<sup>54</sup> Letter dated 12 April 1994 from the representative of Cameroon addressed to the President of the Security Council (S/1994/420); letter dated 13 April 1994 from the representative of Rwanda addressed to the President of the Council (S/1994/428); letters dated 13 and 15 April 1994, respectively, from the representative of Belgium addressed to the President of the Council (S/1994/430 and S/1994/446); letter dated 14 April 1994 from the Executive Secretary of the OAU addressed to the President of the Council (S/1994/440); letter dated 13 April 1994 from the Chargé d'affaires a.i. of Greece addressed to the Secretary-General (S/1994/442); letters dated 21 April 1994 from the representatives of Uganda and Bangladesh respectively, addressed to the President of the Council (S/1994/479 and S/1994/481).

<sup>55</sup> S/1994/488.

Government. The first option was, in the circumstances, not feasible, considering that a massive United Nations force could not be raised immediately. It was not certain, either, that enforcement process and action would really meet the security and political challenges posed by the situation in Rwanda. Option three would seriously, if not irretrievably, undermine the credibility of the Council as the organ charged with the responsibility for maintaining international peace and security. The second option seemed, therefore, a reasonable one, which his delegation would be able to support, although reluctantly. In the view of his delegation, the issue was moral, transcended politics, and went to the heart of the credibility of the United Nations. He concluded by calling upon the parties to cease all hostilities and agree to a cease-fire immediately, and to cooperate fully with the ongoing efforts of the United Nations and the OAU to resolve the conflict.<sup>56</sup>

The representative of Oman said that, while appreciating the position that called for the continuation of UNAMIR's mandate, his delegation believed that it would be most appropriate to reduce the presence of UNAMIR to a minimum. However, a United Nations political presence must be preserved in allowing the Special Representative of the Secretary-General in Rwanda to carry on with his intermediary efforts. His country supported that alternative because the Rwandese parties were still hesitant to put Kigali's airport under the control of UNAMIR.<sup>57</sup>

The representative of Djibouti stated that although the warning signals were clearly evident, and in fact repeatedly taken note of, it was regrettable that the peace process leading to the establishment of the agreed transitional institutions called for in the Arusha agreement had never been completed. The situation in Rwanda was one in which the United Nations was perhaps the only entity capable of preserving some order and saving lives, while bringing about a halt to the fighting so that negotiations leading to a return to the Arusha agreement principles could be initiated. He further stated that of the three options offered by the Secretary-General, option three was both inhuman and unacceptable and would undermine all the good the United Nations had done and stood in a position to

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<sup>56</sup> S/PV.3368, pp. 2-3.

<sup>57</sup> Ibid., pp.3-4.

do. His delegation would argue for an intermediate position, between the Secretary-General's options one and two. It saw not so much the need to coerce the combatants into a cease-fire and force law and order as the need to maintain minimum safety for innocent civilians and to offer some protection, while pushing for a return to negotiations. The United Nations should certainly be able to provide, with the acceptance of both parties, safety and refuge for innocent civilians. By agreement, neither party would attack safe areas, under threat of being charged with international human rights violations. Additionally, by agreement, United Nations Headquarters should be considered secure or diplomatic areas which neither party could violate. Given those factors, his delegation supported option two as probably the most workable one. Although that option would perhaps not permit the United Nations to undertake those tasks which it could and should undertake, and, through its reduced presence and visibility, might indirectly contribute to prolonging the violence, it was nevertheless preferable to a total withdrawal.<sup>58</sup>

The representative of Rwanda stated that the assassination of the Head of State of Rwanda had led to acts of violence causing thousands of deaths, including that of United Nations personnel. The tragedy reached its climax with the resumption of hostilities, armed attacks and a wave of massacres, launched by the RPF. Hence, the interim Government set itself the objective of restoring order and security, and of pursuing contacts with the RPF, to ensure the putting into place without delay of enlarged transitional institutions, within the framework of the Arusha peace agreement. Success in that field depended on the cessation of hostilities and the international community's support in coming to the aid of the suffering people. Beyond the legitimate concern over the evacuation of foreign nationals, the international community did not seem to have acted in an appropriate manner to reply to the appeal of the people of Rwanda. That question had been examined from the point of view of the ways and means of withdrawing UNAMIR, without giving appropriate weight to the concern that, in view of the security situation prevailing in Rwanda, UNAMIR's numbers should be increased to enable it to contribute to the re-establishment of the cease-fire and to assist in the establishment of security

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<sup>58</sup> *Ibid.*, pp. 4-5.

conditions that could bring an end to the violence. The option chosen by the Council to reduce the number of troops in UNAMIR to approximately 200 was not a proper response to the crisis, as no measures were envisaged to help those exposed to all kinds of peril as a result of the hostilities. He further stated that his delegation's vote on the draft resolution would indicate the hope of the people of Rwanda that the Council would realize that it had a duty to act resolutely to maintain peace in Rwanda and to guarantee stability in the region. It would also indicate that Rwanda associated itself with the Council's appeal for an immediate cessation of hostilities and the violence. To that end, the Council should persuade the RPF to agree to a comprehensive cease-fire, it being understood that it was futile to think that the crisis in Rwanda could be settled by military means. Moreover, Rwanda hoped that the Council's request that all countries avoid any action that might exacerbate the situation in Rwanda would be respected. In that regard, he emphasized the important role UNOMUR must play on the Rwanda-Uganda border as an indispensable factor for regional stability.<sup>59</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 912 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* 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,

*Recalling* its resolution 909 (1994) of 5 April 1994, by which it extended the mandate of the Mission until 29 July 1994 with a six-week review provision on the understanding that progress would be made in establishing the transitional institutions provided for under the Arusha Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front,

*Recalling also* its presidential statement of 7 April 1994 in which, *inter alia*, it reaffirmed its commitment to the Arusha Peace Agreement and urged all parties to implement it fully,

*Having considered* the report of the Secretary-General of 20 April 1994,

*Stressing* that the Arusha Peace Agreement remains central to the peace process in Rwanda,

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<sup>59</sup> *Ibid.*, pp. 5-6.

*Expressing deep regret* at the failure of the parties to implement fully the provisions of the Arusha Peace Agreement, particularly those provisions relating to the cease-fire,

*Recognizing* the initiatives made by the late Presidents of Rwanda and Burundi towards resolving the problems in their countries through peaceful means and in collaboration with regional leaders,

*Shocked* at the tragic incident that resulted in the deaths of the Presidents of Rwanda and Burundi on 6 April 1994,

*Appalled* at the ensuing large-scale violence in Rwanda, which has resulted in the death of thousands of innocent civilians, including women and children, the displacement of a significant number of the Rwandese population, including those who sought refuge with the Mission, and the significant increase in refugees to neighbouring countries,

*Deeply concerned* by continuing fighting, looting, banditry and the breakdown of law and order, particularly in Kigali,

*Stressing* the need for all countries to avoid any action that might exacerbate the situation in Rwanda,

*Expressing its deep concern* for the safety and security of the Mission and other United Nations personnel, and personnel of non-governmental organizations who are assisting in implementing the peace process and in distributing humanitarian relief,

1. *Takes note* of the report of the Secretary-General of 20 April 1994;
2. *Expresses regret* at the tragic incident in which the Presidents of Rwanda and Burundi lost their lives, and reiterates its invitation to the Secretary-General to report to the Council as requested in its presidential statement of 7 April 1994;
3. *Expresses regret also* at the ensuing violence which has claimed the lives of the Prime Minister, Cabinet Ministers, government officials and thousands of other civilians;
4. *Condemns* the ongoing violence in Rwanda, particularly in Kigali, which endangers the lives and safety of the civilian population;
5. *Strongly condemns* the attacks against the United Nations Assistance Mission for Rwanda and other United Nations personnel leading to the deaths of and injury to several Mission personnel, and calls upon all concerned to put an end to these acts of violence and to respect fully international humanitarian law;
6. *Demands* an immediate cessation of hostilities between the forces of the Government of Rwanda and the Rwandese Patriotic Front and an end to the mindless violence and carnage engulfing Rwanda;
7. *Commends* the active role of the Special Representative of the Secretary-General and of the Force Commander of the Mission to bring about a cease-fire and to mediate between the parties in order to bring about the earliest resolution of the Rwandese crisis;

8. *Decides*, in the light of the current situation in Rwanda, to adjust the mandate of the Mission as follows:

(a) To act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire;

(b) To assist in the resumption of humanitarian relief operations to the extent feasible;

(c) To monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with the Mission;

and authorizes a force level as set out in paragraphs 15 to 18 of the report of the Secretary-General of 20 April 1994 for that purpose;

9. *Decides* to keep the situation in Rwanda under constant review, and states its readiness to consider promptly any recommendations which the Secretary-General may make concerning the force level and mandate of the Mission in the light of developments;

10. *Reiterates* the crucial importance of the full implementation of the Arusha Peace Agreement to the settlement of the Rwandese conflict, and invites the Organization of African Unity to continue to cooperate fully with the United Nations in this regard;

11. *Commends* the efforts made by the leaders of the subregion at finding a solution to the crisis in Rwanda, and calls on the leaders of the region, especially the facilitator of the Arusha peace process, to persevere and intensify their efforts, in cooperation with the Organization of African Unity and the United Nations;

12. *Reaffirms* that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwandese conflict and serves as the basis for peace, national unity and reconciliation in the country, and calls upon the parties to renew their commitment to the Agreement;

13. *Also calls upon* the parties to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to all in need throughout Rwanda, and in this regard appeals to the international community to provide increased humanitarian assistance commensurate with the scale of the human tragedy in Rwanda;

14. *Affirms its commitment* to preserving the unity and territorial integrity of Rwanda;

15. *Invites* the Secretary-General to continue to monitor the events in Rwanda and to report fully to the Council on the evolving situation not later than fifteen days after the adoption of the present resolution;

16. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of France emphasized that no military solution was acceptable or possible, and that the Arusha peace agreement remained the



only legitimate framework for seeking a political solution to the problem in Rwanda. He noted that the United Nations had given the parties several days to conclude a cease-fire, which would have allowed UNAMIR to carry out the mandate given to it by resolution 872 (1993). Unfortunately, there was still no cease-fire, and the Council was therefore compelled to reconsider the conditions for UNAMIR's presence, reducing it to a minimal level. He expressed the hope that the parties would come to their senses and realize that the United Nations could neither take their place nor impose peace on them.<sup>60</sup>

**Decision** of 30 April 1994 (3371st meeting): statement by the President

At its 3371st meeting, on 30 April 1994, the Security Council resumed its consideration of the item. The President (New Zealand) drew the attention of the members of the Council to a letter<sup>61</sup> dated 27 April 1994 addressed to the President of the Council from the representative of Tanzania. He stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>62</sup> on behalf of the Council:

“The Security Council is appalled at continuing reports of the slaughter of innocent civilians in Kigali and other parts of Rwanda and reported preparations for further massacres. It endorses the concern expressed by the Central Organ for Conflict Prevention, Management and Resolution of the Organization of Africa that the massacres and wanton killings have continued unabated in a systematic manner in Rwanda. It recalls that such killings have already been condemned by the Council in its resolution 912 (1994) of 21 April 1994.

“Attacks on defenceless civilians have occurred throughout the country, especially in areas under the control of members or supporters of the armed forces of the interim Government of Rwanda. The Council demands that the interim Government of Rwanda and the Rwandese Patriotic Front take effective measures to prevent any attacks on civilians in areas under their control. It calls on the leadership of both parties to condemn publicly such attacks and to commit themselves to ensuring that persons who instigate or participate in such attacks are prosecuted and punished.

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<sup>60</sup> *Ibid.*, p. 7.

<sup>61</sup> S/1994/508.

<sup>62</sup> S/PRST/1994/21.

“The Council condemns all these breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalls that persons who instigate or participate in such acts are individually responsible. In this context, the Council recalls that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law.

“The Council reiterates the demand in its resolution 912 (1994) for an immediate cease-fire and cessation of hostilities between the forces of the interim Government of Rwanda and the Rwandese Patriotic Front. It commends the efforts by the Special Representative of the Secretary-General and the Force Commander of the United Nations Assistance Mission for Rwanda to mediate such an outcome, and requests them to continue their efforts in liaison with countries of the region and the Organization of African Unity. It also commends the courage and determination of Mission personnel in affording protection to civilians who sought refuge with the Mission.

“The Council welcomes the efforts that have been made by countries of the region, with the assistance of the Organization of African Unity, to bring about an end to the fighting and the killings in Rwanda. It also commends the efforts of States, United Nations agencies and non-governmental organizations to provide emergency humanitarian assistance to the suffering people of Rwanda.

“The Council is deeply concerned at the situation of the many thousands of refugees and displaced persons who have been forced to flee the fighting and killings in Rwanda.

“The Council calls on all States to assist the Office of the United Nations High Commissioner for Refugees and other humanitarian and relief agencies operating in the area in meeting the urgent humanitarian needs in Rwanda and its bordering States. The Council calls on States bordering Rwanda, working with the Organization of African Unity, to provide appropriate protection to refugees and to facilitate transfer of goods and supplies to meet the needs of the displaced persons within Rwanda.

“The Council calls on all Rwandese parties to guarantee the protection of displaced persons and refugees in Rwanda and refugees outside Rwanda and to ensure safe passage for humanitarian assistance.

“The Council underlines the urgent need for coordinated international action to help bring peace to Rwanda and to alleviate the suffering of the Rwandese people. It requests the Secretary-General, in consultation with the Secretary-General of the Organization of African Unity and countries of the region, to take appropriate measures to ensure that international efforts to assist the situation in Rwanda are carried out in an effective and coordinated manner, and to ensure that all relevant parties are kept fully informed.

“The Council emphasizes the importance of the Kigali airport for the provision of international relief efforts to Rwanda, as well as for the requirements of the Mission. It calls on the parties to allow the airport to be kept open at all times for such purposes.

“The Council stresses the importance of ensuring that the situation in Rwanda does not affect adversely the security and stability of neighbouring countries.

“The Council warns that the situation in Rwanda would be further seriously aggravated if either of the parties were to have access to additional arms. It appeals to all States to refrain from providing arms or any military assistance to the parties to the conflict. It states its willingness in principle to consider promptly the application of an arms embargo to Rwanda.

“The Council reaffirms its commitment to preserving the unity and territorial integrity of Rwanda. It reiterates its conviction that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwandese conflict and serves as the basis for peace, national unity and reconciliation in the country. It calls again on the parties to renew their commitment to the Agreement.

“The Council requests the Secretary-General:

“(a) In consultation with the Secretary-General of the Organization of African Unity, to report further on action which may be undertaken with a view to assisting in the restoration of law and order in Rwanda and in providing security for displaced persons;

“(b) To work with the Office of the United Nations High Commissioner for Refugees, the Organization of African Unity and countries of the region to take such preventive diplomatic steps as may be necessary to prevent the spread of violence and atrocities to neighbouring countries;

“(c) To explore urgently ways of extending humanitarian relief assistance to refugees and displaced persons;

“(d) To consult the Office of the United Nations High Commissioner for Refugees on measures to provide humanitarian assistance to those displaced persons congregated along the borders with the United Republic of Tanzania, Uganda, Zaire and Burundi;

“(e) To bring to its attention any information that he may receive concerning arms flows into Rwanda, and to consult the countries of the region and the Organization of African Unity about the practical implementation of an arms embargo on Rwanda;

“(f) To make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict.

“The Council states its intention to consider urgently the letter of the Secretary-General dated 29 April 1994<sup>63</sup> and further recommendations that the Secretary-General may provide.”

**Decision** of 6 May 1994: letter from the President

In a letter<sup>64</sup> dated 29 April 1994 addressed to the President of the Council, the Secretary-General noted a further deterioration of the situation in Kigali and other parts of

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<sup>63</sup> S/1994/518.

<sup>64</sup> *Ibid.*

Rwanda. UNAMIR had reported that there was evidence of preparations for further massacres of civilians in the city and that massacres continued on a large scale in the countryside, especially in the south. These developments raised serious questions about the viability of the revised mandate which the Council had given to UNAMIR by resolution 912 (1994). Clearly, that mandate did not give UNAMIR the power to take effective action to halt the continuing massacres. According to some estimates, as many as 200,000 people might have died during the past three weeks. That humanitarian catastrophe demanded urgent action by the international community. In those circumstances, the Secretary-General urged the Security Council to re-examine its decisions of 21 April 1994 (resolution 912 (1994)) and to consider again what action, including forceful action, it could take, or could authorize Member States to take, in order to restore law and order and end the massacres.

In a letter<sup>65</sup> dated 3 May 1994 addressed to the President of the Council, the Secretary-General, referring to the presidential statement of 30 April 1994, reported that he had consulted with the Secretary-General and the Chairman in Office of the OAU and with leaders of a number of several African countries to consider in what way they could assist in the restoration of law and order in Rwanda and, in particular, whether they could contribute troops to a regional effort to that end. Based on their responses, he would submit recommendations to the Council on how the United Nations could help the efforts of the countries in the region.

In a letter<sup>66</sup> dated 6 May 1994, the President (Nigeria) informed the Secretary-General as follows:

“The members of the Security Council have considered your two letters of 29 April and 3 May 1994 on the situation in Rwanda.

“The members of the Council commend you, your Special Representative, the Force Commander and the personnel of the United Nations Assistance Mission for Rwanda for the exemplary manner in which you have all continued to carry out your respective tasks, under very difficult circumstances.

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<sup>65</sup> S/1994/530.

<sup>66</sup> S/1994/546.

“The members of the Council have agreed that, in view of the unabated hostilities and killings, urgent and effective means of action be considered. In order to do so, they have asked me to request you to provide in the first instance indicative contingency planning with regard to the delivery of humanitarian assistance as well as support to the displaced persons in Rwanda.

“The Council may, at a later stage and as the situation develops, request from you a further indication as to what would be required in terms of logistics and financial implications of an expanded United Nations or international presence in Rwanda and/or neighbouring countries capable of assisting the parties in Rwanda, monitoring a cease-fire and contributing to the resumption of the peace process under the Arusha Peace Agreement.<sup>7</sup>”

“The members of the Council do not expect at this stage any firm or definitive recommendations from your Office, since, as we understand, consultations with regard to future United Nations courses of action are ongoing.”

**Decision** of 16 May 1994 (3377th meeting): resolution 918 (1994)

On 13 May 1994, pursuant to the letter of 6 May 1994 from the President of the Council, the Secretary-General submitted to the Council a report<sup>67</sup> on the situation in Rwanda. The Secretary-General reported that the situation in Rwanda remained unstable and insecure, with widespread violence and continuing combat between the Rwandese Government Forces and the RPF. An estimated 2 million persons had been displaced and a major humanitarian crisis had developed.

Referring to the letter of 6 May 1994 by which the President of the Council had states that urgent and effective means of action must be considered, the Secretary-General proposed that UNAMIR’s mandate be expanded as follows: the new UNAMIR would provide security assistance to humanitarian organizations for the distribution of relief supplies, and would establish access to sites where displaced and other affected persons were concentrated, and could assure their protection; it would also monitor border crossing points as well as the deployment of the parties in conflict, in order to assure the effective conduct of its operations. A minimum viable force of approximately 5,500 troops would be

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<sup>67</sup> S/1994/565.

required to carry out the expanded mandate. Moreover, the deployment of the expanded UNAMIR would be conducted in three phases.

The Secretary-General observed that the solution to the crisis in Rwanda must be found through the implementation of the Arusha agreement. For that to be achieved, the parties must agree to a cease-fire. His Special Representative and the Force Commander would continue to give the highest priority to that objective. In addition, the Council could issue a call to the parties to accept the designation of Kigali airport as a neutral zone under the exclusive control of the United Nations. Meanwhile, there was an urgent requirement for the United Nations to increase its efforts to address the desperate humanitarian crisis created by the conflict. Protected sites should be established close to Rwanda's borders and assistance should be provided to persons in need in the interior of Rwanda. The Secretary-General recommended that the Council approve the phased expansion of UNAMIR for a period of six months, on the understanding that it would be reviewed by the Council as necessary and, in particular, following an agreement on a cease-fire. He reiterated that in order for UNAMIR II to attain its objective, there could be no delay in its deployment.

At its 3377th meeting, on 17 May 1994, the Council included the report of the Secretary-General in its agenda. The President drew the attention of the members of the Council to several documents.<sup>68</sup> He also drew their attention to a draft resolution<sup>69</sup> submitted by the Czech Republic, France, the Russian Federation, Spain, the United Kingdom, and the United States, and read out revisions to be made to the draft text in its provisional form. The President then stated that a separate vote on section B of the draft resolution had been requested. In the absence of any objection, he would first put section B of the draft resolution to the vote and thereafter put the rest of the draft resolution to the vote.

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<sup>68</sup> Letter dated 2 May 1994 from the Chargé d'affaires a.i of the United Republic of Tanzania addressed to the President of the Council (S/1994/.527); letter dated 9 May 1994 from the representatives of Uganda and the United States addressed to the President of the Council (S/1994/552); letter dated 10 May 1994 from the Chargé d'affaires a.i of Uganda addressed to the President of the Council (S/1994/553); letter dated 12 May 1994 from the representative of Burkina Faso addressed to the President of the Council (S/1994/562).

<sup>69</sup> S/1994/571.

Speaking before the vote, the representative of Rwanda stated that peace required a candid dialogue between the Rwandese Government and the RPF, which implied that military hostilities and inter-ethnic violence must first cease. The international community – especially the Security Council – must shoulder its responsibilities by compelling the RPF to enter into dialogue with the Government so as to bring about an immediate cease-fire. The Rwandese Government, for its part, was willing to conclude a cease-fire agreement with the RPF immediately. Such an agreement, guaranteed by the international community, and especially the United Nations, should make it possible for the two armies to resume the positions they held before 6 April 1994. The Rwandese Government believed that the only way of ensuring respect for a cease-fire was the establishment in Rwanda of an international buffer force made up of troops from truly neutral countries and excluding Rwanda's neighbours. Nonetheless it welcomed the consensus achieved on certain points relating to UNAMIR's expansion to allow it to contribute to the security and protection of the civilian population and the delivery of humanitarian assistance. The Rwandese Government was convinced that the cease-fire would not be respected nor the Rwandese conflict resolved until Uganda ended its aggression against Rwanda and stopped supplying war *matériel* and troops to the RPF. The Security Council should ensure that that occurred. In that connection, the Rwandese Government had conveyed to the Council documents clearly showing Uganda's involvement in the Rwandese conflict. To prevent that country from destabilizing Rwanda and other countries of the region, it was urgent that an arms embargo be imposed upon it. He stated that it was upon Uganda that a military embargo should be imposed, not upon Rwanda; and that it was not the victim who should be punished but the aggressor. The embargo against Rwanda would be tantamount to direct support for Ugandan aggression. He further noted that an embargo against Rwanda would violate the Charter, which enshrined the principle of self-defence. He concluded by reaffirming that the Rwandese Government remained committed and determined to resume dialogue with the RPF on the basis of the Arusha Peace Agreement.<sup>70</sup>

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<sup>70</sup> S/PV.3377, pp. 2-6.

The representative of Oman stated that the most urgent measure was to extend all forms of humanitarian assistance to the displaced people and refugees and to all those in need in Rwanda. He stressed the importance of coordinating those efforts with the OAU and the necessity of ensuring full cooperation from both parties to the conflict in establishing Kigali Airport as a neutral zone and keeping it open at all times for humanitarian relief. Despite its hesitation to involve peace-keeping forces in internal disputes, and in view of the desirability of seeing a more successful UNAMIR, Oman supported its expansion and the amendment to its mandate. Furthermore, while believing that the arms embargo would not bring the satisfactory results expected of it, his delegation fully supported that endeavour and considered it an important step in the right direction to contain the conflict and to halt its proliferation to other areas.<sup>71</sup>

The representative of Pakistan noted that the situation into which the contributing countries would be sending their troops was highly dangerous. It was therefore essential not only that UNAMIR be adequately equipped in terms of armaments, but also that it be given clear-cut rules of engagement under which its troops could effectively defend themselves or those they were required to protect. Pakistan hoped that the restriction placed on the supply of arms and ammunition to Rwanda would be scrupulously observed. The speaker further cautioned that the pressure to withdraw UNAMIR could mount once again if the Rwandese parties failed to bring the hostilities and killings to an end within a reasonable period.<sup>72</sup>

The representative of Djibouti stated that there was a universal recognition that in some significant way the international community must become directly involved in Rwanda. The approach of letting events run their course while diplomatic attempts were intensified, had proved fruitless. The Rwandese catastrophe clearly constituted a serious threat to peace and security in the region, which must be addressed. He noted that the Secretary-General correctly recommended a revision of the mandate of UNAMIR and an upward adjustment in its composition. The draft resolution, however, only partially

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<sup>71</sup> *Ibid.*, pp. 6-7.

<sup>72</sup> *Ibid.*, pp. 7-8.



addressed that requirement, with the hope that the whole spectrum of deployment would have been taken care of shortly after the next report of the Secretary-General. Meanwhile, the job of the United Nations would be to remove the innocent from harm's way and protect them during that process, while responding forcefully only to direct attacks upon itself or the relief efforts. The mandate would not authorize the use of force to stop ethnic massacres and bloodshed. His delegation found that difficult to accept. He noted further that the heaviest burden must be assumed by the countries of Africa, which was possible with the cooperation and assistance of other Member States on an urgent basis. It was indeed a sad reflection on the state of collective security if that capability did not exist and could not be expeditiously mobilized. His delegation further supported the call on Member States to restrict the sale of arms and related material to any of the parties. Although his delegation would have liked to have seen a stronger mandate for UNAMIR, time was crucial. Should the Secretary-General find that the measures called for were insufficient, it might be possible in the near future to upgrade UNAMIR's mandate to include more authority to halt the fighting.<sup>73</sup>

The representative of China stated that the Council's agreement to expand the mandate of UNAMIR and increase the number of its personnel based on humanitarian considerations was a reflection of the international community's good will and its sincere desire to create conditions for the early restoration of peace and security in Rwanda. His delegation held the view that, first of all, the parties should cease hostilities and agree to an effective and lasting cease-fire. Secondly, the Arusha Peace Agreement was the framework and bridge agreed by the two Rwandese sides for the peaceful settlement of the conflict in Rwanda. Thirdly, the two sides should closely cooperate with the Special Representative of the Secretary-General, with UNAMIR and with the international community's peace endeavour. At the same time, they should adopt every possible measure to ensure the safety of United Nations personnel and of those engaged in humanitarian relief activities. Fourthly, in the course of settling the crisis in Rwanda,

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<sup>73</sup> *Ibid.*, p. 8.

attention should continue to be given to the role of the OAU and the countries neighbouring Rwanda.<sup>74</sup>

The representative of the Russian Federation shared the view of the Secretary-General that the carnage in Rwanda was a humanitarian catastrophe of unprecedented scope. Hence, the Council was correct to focus its attention on resolving that urgent aspect of the problem of Rwanda. His delegation was of the view that a most important factor for ensuring the success of the expanded United Nations operation was the unconditional cooperation of both parties. It proceeded from the premise that the central element of the planned operation was the establishment of secure humanitarian areas, primarily in Rwanda's border areas, for the protection of refugees and displaced persons and of members of the civilian population under threat. In that connection, he noted that the report of the Secretary-General referred to the provision of assistance to those requiring it in the interior of the country – not instead of, but in addition to, the establishment of those secure humanitarian areas. The concept of those secure humanitarian areas would undoubtedly make it easier to establish them fairly quickly and would not require such a large United Nations force. His delegation also viewed as particularly important the draft resolution's provision with respect to the imposition of an arms embargo on Rwanda, which was critical in the absence of a cease-fire, and for whose effective implementation of which neighbouring African States would bear special responsibility. In the light of the urgent humanitarian nature of the United Nations operation, he stressed that it must be carried out quickly and efficiently, warning that if the conditions necessary for continuing the peace-keeping operation did not come about in Rwanda during that time, and if there was no progress towards a political settlement, the Council would have to give serious thought to what further action it should take. Finally, his delegation was convinced of the need for close coordination between the efforts of the Secretary-General and those of the OAU and Rwanda's neighbours – which had far from exhausted the opportunities to bring influence to bear on the Rwandese parties with a view to a swift settlement of the conflict.<sup>75</sup>

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<sup>74</sup> *Ibid.*, p. 9.

<sup>75</sup> *Ibid.*, pp. 9-10.

Section B of the draft resolution was put to the vote and was adopted by 14 votes in favour and one against (Rwanda). The rest of the draft resolution was then put to the vote and adopted unanimously. The draft resolution, as orally revised in its provisional form, was adopted as resolution 918 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* 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, its resolution 909 (1994) of 5 April 1994 by which it extended the mandate of the Mission until 29 July 1994, and its resolution 912 (1994) of 21 April 1994 by which it adjusted the mandate of the Mission,

*Recalling* the statements made by the President of the Security Council on 7 April and 30 April 1994,

*Having considered* the report of the Secretary-General of 13 May 1994,

*Reaffirming* its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

*Strongly condemning* the ongoing violence in Rwanda and particularly condemning the very numerous killings of civilians which have taken place in Rwanda and the impunity with which armed individuals have been able to operate and continue operating therein,

*Stressing* the importance of the Arusha Peace Agreement to the peaceful resolution of the conflict in Rwanda and the necessity for all parties to recommit themselves to its full implementation,

*Commending* the efforts of the Organization of African Unity and its organs, as well as the efforts of the Tanzanian facilitator, in providing diplomatic, political and humanitarian support for the implementation of the relevant resolutions of the Council,

*Deeply concerned* that the situation in Rwanda, which has resulted in the death of many thousands of innocent civilians, including women and children, the internal displacement of a significant percentage of the Rwandese population, and the massive exodus of refugees to neighbouring countries, constitutes a humanitarian crisis of enormous proportions,

*Expressing once again its alarm* at continuing reports of systematic, widespread and flagrant violations of international humanitarian law in Rwanda, as well as other violations of the rights to life and property,

*Recalling* in this context that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law,

*Strongly urging* all parties to cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred,

*Recalling also* its request to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

*Recalling further* that it had requested the Secretary-General to make proposals for the investigation of reports of serious violations of international humanitarian law during the conflict,

*Underlining* the urgent need for coordinated international action to alleviate the suffering of the Rwandese people and to help restore peace in Rwanda, and in this connection welcoming cooperation between the United Nations and the Organization of African Unity as well as with countries of the region, especially the facilitator of the Arusha peace process,

*Desiring* in this context to expand the mandate of the Mission for humanitarian purposes, and stressing the importance it attaches to the support and cooperation of the parties for the successful implementation of all aspects of that mandate,

*Reaffirming its commitment* to the unity and territorial integrity of Rwanda,

*Recognizing* that the people of Rwanda bear ultimate responsibility for national reconciliation and reconstruction of their country,

*Deeply disturbed* by the magnitude of the human suffering caused by the conflict, and concerned that the continuation of the situation in Rwanda constitutes a threat to peace and security in the region,

A

1. *Demands* that all parties to the conflict immediately cease hostilities, agree to a cease-fire, and bring an end to the mindless violence and carnage engulfing Rwanda;

2. *Welcomes* the report of the Secretary-General of 13 May 1994;

3. *Decides* to expand the mandate of the United Nations Assistance Mission for Rwanda under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) To 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) To provide security and support for the distribution of relief supplies and humanitarian relief operations;

4. *Recognizes* that the Mission may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

5. *Authorizes* in this context an expansion of the Mission's force level up to 5,500 troops;

6. *Requests* the Secretary-General, as recommended in his report, and as a first phase, immediately to redeploy to Rwanda the military observers of the Mission currently in Nairobi and to bring up to full strength the elements of the mechanized infantry battalion currently in Rwanda;

7. *Also requests* the Secretary-General to report as soon as possible on the next phase of the Mission's deployment including, *inter alia*, on the cooperation of the parties, progress towards a cease-fire, availability of resources and the proposed duration of the mandate for further review and action, as required, by the Council;

8. *Encourages* the Secretary-General to accelerate his efforts, in conjunction with the Secretary-General of the Organization of African Unity, to obtain from Member States the necessary personnel to enable the deployment of the expanded Mission to proceed urgently;

9. *Invites* Member States to respond promptly to the Secretary-General's request for the resources required, including logistical support capability for rapid deployment of the expanded force level of the Mission and its support in the field;

10. *Strongly urges* all parties in Rwanda to cooperate fully with the Mission in the implementation of its mandate and in particular in ensuring its freedom of movement and the unimpeded delivery of humanitarian assistance, and further calls upon them to treat the Kigali airport as a neutral zone under the control of the Mission;

11. *Demands* that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

## B

*Determining* that the situation in Rwanda constitutes a threat to peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

13. *Decides* that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts;

14. *Also decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the

members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 above;

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

15. *Calls upon* all States, including States not Members of the United Nations, and international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the adoption of the present resolution;

16. *Decides* that the provisions set forth in paragraphs 13 and 15 above do not apply to activities related to the United Nations Assistance Mission for Rwanda and the United Nations Observer Mission Uganda-Rwanda;

17. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

C

18. *Requests* the Secretary-General to submit a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict;

19. *Invites* the Secretary-General and his Special Representative, in coordination with the Organization of African Unity and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement;

20. *Decides* to keep the situation in Rwanda under constant review, and requests the Secretary-General to report further, including on the humanitarian situation, within five weeks of the adoption of the present resolution and again in good time before the expiration of the current mandate of the Assistance Mission;

21. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that the Council had been compelled to reduce the size of UNAMIR, which thereby had been prevented from fulfilling its mandate. His delegation had taken that decision reluctantly and underscored at

that time that it was a temporary measure. By voting in favour of resolution 918 (1994) which decided to expand UNAMIR up to 5,500 troops, his delegation was expressing its will to help the Rwandese people to find peace and security. He noted that while the objective of that resolution was first of all humanitarian, the longer-term objective of the United Nations was political. The United Nations was determined to contribute, in due course, to the resumption of the peace process within the framework of the Arusha Peace Agreement, which remained the only way to resolve the crisis in Rwanda.<sup>76</sup>

The representative of New Zealand said that, although his delegation voted in favour of resolution 918 (1994), it was disappointed that the resolution only approved a very modest first phase of the expanded United Nations presence which was essential in Rwanda. New Zealand agreed that there needed to be a detailed, hands-on process of interaction between the Council and the Secretariat to update and fine-tune the operational concept as planning was finalized in the period prior to deployment. In that connection, he would like to see institutional arrangements within the Council for a more hands-on approach to all of the complex operations supervised by the Council.<sup>77</sup>

The representative of the United Kingdom stated that there was no easy international response to the tragedy which had occurred in Rwanda. The United Nations could not impose an end to the bloodshed, but neither could it stand idly by. It was right that new tasks should be added to UNAMIR's mandate to help the civilian population. The priority must be to ensure the early deployment of the troops needed for those tasks. While the focus of that expanded United Nations operation would rightly be humanitarian, the Council must not lose sight of the need to achieve a cease-fire between the parties and to get the peace process back on track. In that regard, the Arusha Agreement remained the only viable basis for national reconciliation in Rwanda. In the meantime, the parties could not escape their responsibility for events in the areas which they controlled.<sup>78</sup>

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<sup>76</sup> *Ibid.*, p. 11.

<sup>77</sup> *Ibid.*, pp. 11-12.

<sup>78</sup> *Ibid.*, p. 12.

The representative of the United States noted that the Council had struggled to formulate a response to the humanitarian disaster in Rwanda that was both appropriate and effective. To ensure the success of the United Nations in Rwanda, the United States wanted to bring the ends and means of the Council's resolutions into balance. The speaker expected the next report of the Secretary-General on Rwanda to closely examine the following factors: a well defined concept of operations; availability of resources; consent of the parties; progress towards a cease-fire; and the duration of the mandate. He further stated that whatever efforts the United Nations might undertake, the true key to the problems in Rwanda was in the hands of the Rwandese people, which meant that the killing – by all parties – must stop. Furthermore, the parties must consent to unimpeded United Nations operations providing humanitarian assistance to and protection for displaced persons, and refugees. In that regard, it was critical that all parties respect absolutely the inviolability of United Nations personnel and peacekeepers. If the parties could meet those simple but vital requirements for an effective United Nations peacekeeping operation, then the international community would be willing and able to help.<sup>79</sup>

The representative of the Czech Republic stated that although the situation in Rwanda was being described as a humanitarian crisis, it was his delegation's view that the proper description was genocide.<sup>80</sup>

Speaking in his capacity as representative of Nigeria, the President stated that, while the OAU and the neighbouring countries had an important role to play in efforts to halt the violence and restore peace in Rwanda, the United Nations had an even more critical role in galvanizing international assistance for that country. Nigeria believed that the credibility of the United Nations was not particularly well served if, in moments of crisis, it prevaricated and took positions which, in hindsight, were mistaken. Nigeria saw the tasks facing the international community in Rwanda as three-fold: humanitarian, security and political, all of which were closely interconnected. He noted further that, in contrast to the drastic reduction of UNAMIR undertaken by resolution 912 (1994), resolution 918 (1994) authorized the deployment of the UNAMIR force level up to 5,500

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<sup>79</sup> *Ibid.*, pp. 12-13.

<sup>80</sup> *Ibid.*, pp.15-16.



troops. While the primary focus of the expanded UNAMIR was humanitarian, it was important that the Council address the wider political purpose of the United Nations involvement in Rwanda by helping to obtain a cease-fire and to promote the peace process. He further stated that although his country had voted in favour of the resolution, it had reservations on two aspects. First, it was not entirely satisfied with the manner in which African issues that came before the Council tended generally to be treated. Secondly, it was unhappy with the import of operative paragraph 7 of resolution 918 (1994), which seemed to imply that the second phase of UNAMIR's deployment would be dependent on a number of conditionalities, including a further decision or action by the Council. Nigeria's own expectation was that the second phase of UNAMIR's deployment would achieve the force level of 5,500 troops, or as close to that as possible and necessary, as called for by the Secretary-General in his report.<sup>81</sup>

**Decision** of 8 June 1994 (3388th meeting): resolution 925 (1994)

On 31 May 1994, pursuant to resolution 918 (1994), the Secretary-General submitted to the Council a report<sup>82</sup> on the situation in Rwanda. The Secretary-General informed the Council that a United Nations special mission had visited Rwanda from 22 to 27 May 1994 for the purpose of moving the parties towards a cease-fire, getting their views and intentions on the implementation of resolution 918 (1994), and reviewing the modalities of the concept of operations proposed by the Secretary-General for an expanded UNAMIR. The mission had reported that an estimated 250,000 to 500,000 had been killed and tens of thousands more had been maimed or wounded. According to information received by the mission, the killers included members of the Rwandan government forces, particularly the Presidential Guard and the youth militia. The mission had found that the RPF zone was virtually empty and that in the Rwandan government forces-controlled zones there were increasing numbers of displaced persons. That exodus was due in part to alarming radio broadcasts from Rwanda government forces zones which also broadcast incitements to eliminate RPF supporters. The RPF declared that the

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<sup>81</sup> *Ibid.* pp. 16-18.

<sup>82</sup> S/1994/640.

aim of its military offensive was to rescue those persons in danger of their lives in the Rwandan government forces zone and to seize those responsible for the massacres. It insisted that a condition for a cease-fire was the commitment of the RGF to halt the killings. The mission was able, however, to obtain the agreement of the two sides to initiate talks for the establishment of a cease-fire. The conclusion of the mission was that the concept of operations would require some adjustments. The implementation of phase 1 of the operation clearly remained urgent and must be commenced without further delay, even before a cease-fire was effected. Because of the projected delay in deploying the troops and equipment for phase 1, phase 2 should be initiated immediately, in close synchronization with phase 1. The need to deploy the two battalions envisaged for phase 3 would depend on the establishment of a cease-fire.

The Secretary-General further noted that there could be little doubt that the human calamity that had engulfed Rwanda constituted genocide, since there had been large-scale killings of communities and families belonging to a particular ethnic group. The continuing hostilities impeded a full investigation of those massacres and, regrettably, procedures in the United Nations did not lend themselves to immediate action in such circumstances. However, the United Nations High Commissioner for Human Rights had visited Rwanda and had presented his report to the Commission on Human Rights, which had designated Mr. René Degni Segui as Special Rapporteur for Rwanda. The Secretary-General stressed that both parties must immediately cease all the violence, there being strong evidence that the overwhelming responsibility lay with the “interim Government” and the Rwandan government forces, which must immediately take effective measures to halt such killings in the zones under their control. Only when the killings were halted, when a cease-fire was effective, and when humanitarian relief was provided, could the underlying political issues be addressed through negotiations. At that stage, it would be essential that the OAU and all interested Governments exert their influence upon both sides to demonstrate their commitment to compromise. It was also essential that the arms embargo imposed by resolution 918 (1994) be respected, and that no armaments reach either party across any of Rwanda’s borders. In that context, he

intended to review the role of UNOMUR, which monitored only the border with Uganda, to assess whether it would be advantageous to integrate its resources into UNAMIR to strengthen the latter. On the basis of the above, the Secretary-General recommended that the Council authorize the expanded mandate for UNAMIR for an initial period of six months, with the anticipation that at least another six-month renewal would be required. He intended to establish a special trust fund to support effective rehabilitation programmes in Rwanda, and appealed to all Governments to contribute to it.

At its 3388th meeting, on 8 June 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Oman) drew the attention of the members of the Council to several documents.<sup>83</sup> He also drew their attention to a draft resolution<sup>84</sup> prepared in the course of the Council's prior consultations.

Speaking before the vote, the representative of Djibouti observed that, against the backdrop of international indecisiveness, the objectives and intent of the warring sides remained the same, and the fighting continued. If anything, the calls for a cease-fire in the draft resolution before the Council were weaker than those in the previous one, a fact which could not fail to capture the attention of the parties. What was required was a firm and unequivocal demand by the Council to the parties that fighting must be stopped forthwith, coupled with measures which clearly showed the Council's determination to back up that demand. The international community could not continue to push the issues of security and peace into the background of human rights headlines. The reason for that tragic human rights situation was precisely that the fighting had been allowed to continue. Simply creating more safe areas to protect the victims had become a diversion. He noted that one lesson to be learned from Rwanda was that the United Nations must have a force not

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<sup>83</sup> Letter dated 17 May 1994 from the Chargé d'affaires a.i of Uganda addressed to the President of the Council (S/1994/585); letter dated 16 May 1994 from the representative of Rwanda addressed to the President of the Council (S/1994/586); letter dated 23 May 1994 from the representative of Israel addressed to the Secretary-General (S/S/1994/608); letter dated 27 May 1994 from the representative of Uganda addressed to the President of the Council (S/1994/648).

<sup>84</sup> S/1994/684.

defined by national politics, a standing multinational force at the disposal of the Security Council.<sup>85</sup>

The representative of the Czech Republic stated that his delegation was troubled that it had taken so long for the Secretary-General to describe the events in Rwanda as genocide in his reports, on which the Council so heavily based its work so heavily. It was equally confused that even before the outbreak of the holocaust on 6 April, UNAMIR and its representatives had been aware of inflammatory broadcasts on the local radio, of suspicious movements of armed groups and of an inflow of arms into Rwanda. His delegation felt that if such facts had been forcefully communicated to the Council as soon as the Secretariat became aware of them, the Council might have been a step ahead. With reference to the Secretary-General's plans to review the reactive capacity of the entire United Nations system, his delegation would propose that providing timely and unvarnished information might be of some help. Such information would help galvanize, rather than paralyse, the international community. He further recalled that resolution 918 (1994) requested the Secretary-General to present a report on investigations of serious violations of international humanitarian law. He suggested that the Special Rapporteur for Human Rights might be requested to report to the Council directly, and that a fact-finding mission be established by the Council.<sup>86</sup>

According to the representative of Brazil, UNAMIR should seek to commence its tasks expeditiously and should be appropriately staffed and equipped to meet its threefold mandate, which was to contribute to providing security and protection for displaced persons, refugees and civilians at risk, to provide security and support for the distribution of relief supplies and for humanitarian operations, and to develop all efforts to mediate and broker negotiations between the warring parties, so that an immediate cease-fire could be reached and the peace process could be resumed. The parties in Rwanda must achieve a cease-fire urgently. His delegation was pleased that the Council again put to use the non-binding criteria for the review of mandates of peace-keeping operations, set out in the

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<sup>85</sup> S/PV.3388, pp. 2-3.

<sup>86</sup> *Ibid.*, pp. 3-4.

presidential statement of 3 May 1994<sup>87</sup>. In order that these criteria should become the much-needed yardstick for peace-keeping operations, they ought to be implemented consistently, and with sufficient flexibility so as to accommodate unforeseen situations and ensure the effective discharge of the mandate of these operations. He concluded by noting that the draft resolution was an essential step towards the measures the United Nations could adopt even before a cease-fire was achieved.<sup>88</sup>

According to the representative of Nigeria, the draft resolution before the Council, and resolution 918 (1994) which preceded it, had enabled the United Nations to redeem itself and effectively resume its role of contributing to the security and protection of displaced persons, refugees and civilians at risk in Rwanda. His delegation would support the draft resolution out of recognition that it was better late than never. The draft resolution, which was essentially oriented towards the provision of humanitarian assistance in Rwanda, equally anticipated international participation in the political process in that country, which was desirable. He stressed that the Rwandan problem remained an international problem and must be addressed internationally. In that endeavour, the United Nations, the OAU and the neighbouring States must act in concert and not in competition.<sup>89</sup>

The representative of the Russian Federation stated that his delegation acknowledged that the highly complex and rapidly changing situation in Rwanda dictated the need for a different approach, in particular, of flexible contingency planning. However, in the opinion of his delegation, the complexity of the situation in Rwanda increased the need for tighter control by the Council over the conduct of the operation in order to be able to quickly react and resolve problems that inevitably would arise during the course of its implementation. It deemed justified the provision that UNAMIR would not be used as a buffer force between the parties to the conflict, and supported the demand of the Council that both parties abide by their assurances to cooperate with UNAMIR. His delegation was convinced of the need for further close coordination between the efforts of the Secretary-

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<sup>87</sup> S/PRST/1994/22.

<sup>88</sup> *Ibid.*, pp. 4-5.

<sup>89</sup> *Ibid.*, p. 5.

General and the OAU and with the neighbours of Rwanda, which were far from having exhausted their capacity for exerting pressure on the Rwandese parties to resolve the conflict and restore the peace process.<sup>90</sup>

The representative of the United Kingdom noted that the humanitarian mandate and the decision to deploy 5,500 additional troops was a worthy and practical response to the situation, which tried to take account of the bitter lessons the United Nations had to learn in Somalia without, at the same time, being deterred from meeting the necessary obligations under the Charter. The concept of operations proposed by the Secretary-General seemed to be the right one, the key being to ensure flexibility and to allow the Force Commander to adapt to a changing situation on the ground. He added that, in his Government's view, it was of the greatest importance that all neighbouring Governments and all Council members do their best to ensure strict compliance with the arms embargo.<sup>91</sup>

The representative of Spain stated that the time had come to prepare for the establishment of an international commission of experts to examine and analyze all available information about the grave violations of international humanitarian law committed in Rwanda, in order to meet the concern expressed by the Secretary-General in his report. Such an initiative would be carried out separately from the important work initiated by the Commission on Human Rights with the appointment of a Special Rapporteur for Rwanda.<sup>92</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 925 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* all its previous resolutions on the situation in Rwanda, in particular its resolutions 912 (1994) of 21 April 1994 and 918 (1994) of 17 May 1994, which set out the mandate of the United Nations Assistance Mission for Rwanda,

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<sup>90</sup> *Ibid.*, pp. 6-7.

<sup>91</sup> *Ibid.*, pp. 7-8.

<sup>92</sup> *Ibid.*, pp. 8-9.

*Having considered* the report of the Secretary-General of 31 May 1994,

*Bearing in mind* the statement made by the President of the Security Council on 3 May 1994,

*Reaffirming* its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

*Noting with concern* that, to date, the parties have not ceased hostilities, agreed to a cease-fire, or brought an end to the violence and carnage affecting civilians,

*Noting with the gravest concern* the reports indicating that acts of genocide have occurred in Rwanda, and recalling in this context that genocide constitutes a crime punishable under international law,

*Reiterating its strong condemnation* of the ongoing violence in Rwanda and, in particular, the systematic killing of thousands of civilians,

*Expressing its outrage* that the perpetrators of these killings have been able to operate and continue operating within Rwanda with impunity,

*Noting* that the Mission is not to have the role of a buffer force between the two parties,

*Noting also* that the expanded military component of the Mission will continue only as long as and to the extent that it is needed to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda and to provide security, as required, to humanitarian relief operations,

*Underscoring* the fact that the internal displacement of some 1.5 million Rwandese facing starvation and disease and the massive exodus of refugees to neighbouring countries constitute a humanitarian crisis of enormous proportions,

*Reiterating* the importance of the Arusha Peace Agreement as the basis for the peaceful resolution of the conflict in Rwanda,

*Commending* the countries which have provided humanitarian assistance to Rwandese refugees, as well as emergency aid to alleviate the sufferings of the Rwandese people, and those countries which have contributed troops and logistical support to the Mission, and reiterating the urgent need for coordinated international action in this respect,

*Welcoming* the cooperation between the United Nations and the Organization of African Unity and the contributions of the countries of the region, especially that of the facilitator of the Arusha peace process, and encouraging them to continue their efforts,

*Welcoming* the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights,

*Noting* the appointment of a Special Rapporteur for Rwanda, pursuant to Commission on Human Rights resolution S-3/1 of 25 May 1994,

*Reaffirming its commitment* to the unity and territorial integrity of Rwanda,

1. *Welcomes* the report of the Secretary-General of 31 May 1994;
2. *Endorses* the proposals of the Secretary-General contained in that report for the deployment of the expanded United Nations Assistance Mission for Rwanda, in particular:
  - (a) The immediate initiation of the deployment of the two additional battalions in phase 2 in close synchronization with phase 1;
  - (b) The continuation of urgent preparations for the deployment of the two battalions envisaged for phase 3;
  - (c) Flexible implementation of all three phases to ensure effective use of available resources to accomplish the tasks listed in paragraphs 4 (a) and (b) below;
3. *Decides* to extend the mandate of the Mission, expiring on 29 July 1994, until 9 December 1994;
4. *Reaffirms* that the Mission, in addition to continuing to act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire, will:
  - (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;
5. *Recognizes* that the Mission may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;
6. *Demands* that all parties to the conflict cease hostilities, agree to a cease-fire and immediately take steps to bring an end to systematic killings in areas under their control;
7. *Welcomes* the assurances of both parties to cooperate with the Mission in carrying out its mandate, recognizes that such cooperation will be essential to the effective implementation of the mandate, and demands that both parties adhere to those assurances;



8. *Demands further* that all parties cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred;

9. *Urges* Member States to respond promptly to the Secretary-General's request for resources, including logistical support capability for rapid deployment of additional Mission forces;

10. *Requests* the Secretary-General to ensure that the Mission extends the close cooperation it has with the Department of Humanitarian Affairs of the Secretariat and the United Nations Rwanda Emergency Office also to the Special Rapporteur for Rwanda appointed by the Commission on Human Rights;

11. *Demands* that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. *Emphasizes* the necessity that, *inter alia* :

(a) All appropriate steps be taken to ensure the security and safety of the operation and personnel engaged in the operation;

(b) The security and safety arrangements undertaken extend to all persons engaged in the operation;

13. *Commends* the efforts of States, United Nations agencies, international organizations and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

14. *Welcomes* the intention of the Secretary-General to establish a special trust fund for Rwanda and invites the international community to contribute generously to it;

15. *Commends* the tireless efforts of the Force Commander of the Mission to prevent more innocent lives from being lost and to bring about a cease-fire between the parties;

16. *Commends also* the efforts of the Secretary-General and his Special Representative to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement, invites them, in coordination with the Organization of African Unity and countries in the region, to continue their efforts, and demands that the parties undertake serious efforts to bring about political reconciliation;

17. *Decides* to keep the situation in Rwanda and the role played by the Mission under constant review, and to that end requests the Secretary-General to report to the Council as appropriate, and in any case no later than 9 August and 9 October 1994, on progress made by the

Mission in the discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards a cease-fire and political reconciliation;

18. *Decides* to remain actively seized of the matter.

After the vote, the representative of New Zealand, referring to resolution 918 (1994), said that at the time of its adoption, his delegation had been very disappointed that the resolution had approved only a tentative first phase of the expanded United Nations presence in Rwanda. New Zealand believed that the tentativeness displayed by the Council had sent a very confused signal, both to potential troop-contributing countries and others, about the Council's commitment to the idea of an expanded UNAMIR. Turning to resolution 925 (1994), he welcomed the fact that it ended the doubt about the determination of the Council to do what was necessary for Rwanda. Resolution 925 (1994) gave effect to the Council's wish that UNAMIR should deploy as soon as possible to provide security for Rwandans at risk and for essential humanitarian operations. Furthermore, it was very important that the resolution also stated clearly the Council's grave concern at the genocide that had taken place in Rwanda. There was no doubt that genocide had occurred, and it was significant that at last the Council had formally recognized that. New Zealand also welcomed the recognition given in the resolution to the importance of close cooperation between UNAMIR and the United Nations High Commissioner for Human Rights and the newly appointed United Nations Special Rapporteur for Rwanda. Reconstruction of Rwandan society on the basis of respect for human rights would be an important task for the future, and the United Nations must be equipped to support the people of Rwanda in that effort.

The representative of France stressed that, while the priority objective was a humanitarian one, only a political solution could restore lasting peace and stability to Rwanda. The United Nations must play its part in implementing the peace process, which must fall within the framework of the Arusha Peace Agreement. He further stated that it was intolerable that massacres in Rwanda and what could only be described as genocide

should continue. Those responsible must be brought to justice and human rights must be respected.<sup>93</sup>

The representative of China recalled that the Charter contained explicit provisions on the mandates of the Security Council, the General Assembly and other United Nations organs. Those bodies should earnestly carry out the respective mandates entrusted to them by the Charter. The Council should therefore refrain from involvement in activities that went beyond its mandate. It was China's consistent position that the Council should work in line with the purposes and principles of the Charter and with the relevant mandates. China was not in favour of willfully linking the work of the Council with that of other organs. Therefore, it wished to express its reservations on the resolution's elements relating to the human rights Rapporteur.<sup>94</sup>

The representative of the United States stated that it had been necessary to define the mandate of UNAMIR as precisely as possible, keeping in mind the factors enumerated in the Council's presidential statement of 3 May 1994, and staying within the limits of available resources. He noted that, although the parties had begun cease-fire negotiations, in the meantime, there was no cease-fire in effect and no comprehensive agreement among the parties or with the United Nations. In those circumstances, the activities described in the Secretary-General's report might be considered to involve enforcement actions. It was important that troop contributors be made fully aware of the military mission and the anticipated environment. Furthermore, UNAMIR's military units must be provided with the equipment and rules of engagement to execute successfully the assigned mission to defend themselves and to provide basic protection for threatened persons and security for the delivery of humanitarian relief. The Council, to that end, had included in the resolution a reaffirmation that UNAMIR might be required to take action in self-defence. He also stated that the Council had a responsibility, when sending troops into unpredictable situations, to ensure that those troops would not be willfully mistreated. To that effect, his delegation firmly supported paragraph 12 of resolution 925 (1994). Taking that idea even

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<sup>93</sup> *Ibid.*, p.11.

<sup>94</sup> *Ibid.*, p. 12.

further, it believed it was unacceptable for any UNAMIR or other United Nations personnel to be detained, under any circumstances, while performing their duties in Rwanda, or to be denied any of the protections equivalent to those contained in the Geneva Convention Relative to the Treatment of Prisoners of War.<sup>95</sup>

The representative of Rwanda, while commending the adoption of resolution 925 (1994), stated that it was regrettable that since the outbreak of the tragic events on 6 April 1994, the reaction of the international community had not matched the magnitude of the tragedy in Rwanda. He noted that after almost a month, the first phase of the deployment of UNAMIR had not even begun. Therefore, Rwanda welcomed the Secretary-General's proposals contained in the report for the expanded UNAMIR. It also agreed with the Secretary-General that the first task was to organize humanitarian relief operations. Rwanda associated itself with the message conveyed by the Council when it demanded the cessation of hostilities, the conclusion of a cease-fire and the immediate halt of the massacres, which it strongly condemned. He further stated that any solution to the crisis in Rwanda must be based on a political settlement, for which the Arusha Peace Agreement constituted the framework. It was up to the international community to implement resolution 925 (1994).<sup>96</sup>

**Decision** of 20 June 1994 (3391st meeting): resolution 928 (1994)

On 16 June 1994, pursuant to resolution 891 (1993), the Secretary-General submitted to the Council his second progress report<sup>97</sup> on UNOMUR. The Secretary-General reported that, in general, UNOMUR's activities in pursuance of its mandate had been effective. It had continued to be a factor of stability and had been particularly critical in recent months, as UNAMIR had sought to defuse tensions resulting from the resumption of hostilities in Rwanda. While there appeared to be little rationale for monitoring one of Rwanda's borders and not the others, the issue of arms flows was one of the major areas of

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<sup>95</sup> *Ibid.*, pp. 12-13.

<sup>96</sup> *Ibid.*, pp. 13-14.

<sup>97</sup> S/1994/715.

concern in the cease-fire talks. As UNOMUR's activities allowed UNAMIR to address, at least to some degree, the issue of outside interference in the Rwandese civil war, the Secretary-General believed that UNOMUR should continue its monitoring activities until an effective cease-fire had been established. He therefore recommended that UNOMUR's mandate be renewed for a period of three months. During that period, the number of military observers would be reduced by phases, adjusting to operational requirements. UNOMUR would be closed down by 21 September 1994.

At its 3391st meeting, on 20 June 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a letter<sup>98</sup> dated 8 June 1994 from the representative of Rwanda addressed to the President of the Council transmitting a note verbale dated 1 June 1994 by which the Rwandese Government reiterated its request that the numerical strength and the logistical means of UNOMUR be increased. It also reiterated its position concerning the embargo imposed against Rwanda and noted the urgent need for an embargo against the other party to the conflict, arguing that Rwanda must be able to exercise its right of self-defence under Article 51 of the Charter. The President also drew their attention to a draft resolution<sup>99</sup> prepared in the course of the Council's prior consultations and read out a revision to the draft text in its provisional form.<sup>100</sup>

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 928 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

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<sup>98</sup> S/1994/691.

<sup>99</sup> S/1994/723.

<sup>100</sup> S/PV.3391, p. 2.

*Recalling* its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda, as well as its resolutions 893 (1994) of 6 January 1994, 909 (1994) of 5 April 1994, 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994,

*Having examined* the report of the Secretary-General of 16 June 1994 on the United Nations Observer Mission Uganda-Rwanda,

*Welcoming* the extension, as of 14 May 1994, of the observation and monitoring activities of the Observer Mission to the entire Uganda/Rwanda border,

*Stressing* the need for the observance and strict monitoring of the general and complete embargo of all deliveries of weapons and military equipment to Rwanda, as described in paragraph 13 of its resolution 918 (1994),

*Considering* that the issue of arms flows is one of the major areas of concern in the cease-fire talks currently being held between the Rwandan parties under the auspices of the Assistance Mission,

1. *Welcomes* the report of the Secretary-General;
2. *Decides* to extend the mandate of the United Nations Observer Mission Uganda-Rwanda for a final period of three months until 21 September 1994, and agrees that during this period the number of military observers should be reduced by phases;
3. *Requests* the Secretary-General to report to the Council on the termination of the Observer Mission before the completion of its mandate;
4. *Expresses its appreciation* to the Government of Uganda for the cooperation and support it has extended to the Observer Mission;
5. *Stresses* the importance of continued cooperation between the Ugandan authorities and the Observer Mission;
6. *Decides* to remain actively seized of the matter.

**Decision** of 22 June 1994 (3392nd meeting): resolution 929 (1994)

By a letter<sup>101</sup> dated 19 June 1994 addressed to the President of the Council, the Secretary-General stated that because of the failure of Member States to promptly provide the resources necessary for the implementation of its expanded mandate, UNAMIR might not be in a position, for about three months, to fully undertake the tasks entrusted to it. Meanwhile, the situation in Rwanda had continued to deteriorate and the killing of innocent civilians had not been stopped. Furthermore, the parties had not yet come to an agreement for a cease-fire in the talks under UNAMIR auspices, nor had they respected the cease-fire to which they had agreed at a recent OAU summit in Tunis. In those circumstances, the Secretary-General suggested that the Council might wish to consider the offer of the Government of France to undertake, subject to the Council's authorization, a French-commanded multinational operation under Chapter VII of the Charter, to assure the security and protection of displaced persons and civilians at risk in Rwanda. Should the Council authorize such an operation, it would be necessary to request the Governments concerned to commit themselves to maintaining their troops in Rwanda until UNAMIR was brought up to the necessary strength to take over from the multinational force and the latter had created conditions in which a peace-keeping force operating under Chapter VI of the Charter would have the capacity to carry out its mandate. That would imply that the multinational force should remain deployed for a minimum period of three months. The activities of the multinational force and UNAMIR would be closely coordinated by the respective Force Commanders.

By a letter<sup>102</sup> dated 21 June 1994 addressed to the President of the Council, the representative of France requested that a formal meeting of the Council be convened immediately following the informal consultations scheduled for 22 June 1994, in order to put to the vote a draft resolution on the situation in Rwanda.

At its 3392nd meeting, held on 22 June 1994 in response to the request from the representative of France, the Council included the above letters in its agenda. Following the adoption of the agenda, the President (Oman) drew the attention of the members of the

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<sup>101</sup> S/1994/728.

<sup>102</sup> S/1994/738.

Council to a draft resolution<sup>103</sup> submitted by the representative of France. He also drew their attention to a letter<sup>104</sup> dated 20 June 1994 from the representative of France addressed to the Secretary-General.

Speaking before the vote, the representative of the Russian Federation stated that his country supported the draft resolution before the Council, which welcomed the proposal of a number of Member States to send contingents to Rwanda. In the view of the Russian Federation, the Council had been forced to take that decision, which was imperative in the prevailing conditions. The Russian Federation believed it was important that the draft resolution clearly stated that that action had the purely humanitarian goal of contributing to the security and protection of the civilian population. It had a clearly formulated mandate and would be conducted within a limited time period, required for the deployment of the expanded UNAMIR. It was also important that, as the draft resolution emphasized, the operation be carried out impartially and neutrally, in close coordination with the activity of UNAMIR. His delegation expected the Secretary-General to regularly inform the Council on the implementation of the operation and on the development of the situation in Rwanda. At the same time, to ensure the success of the operation, it believed it was of paramount importance to obtain the agreement of both Rwandese parties.<sup>105</sup>

The representative of Brazil stated that his Government, aside from problems of a political nature related to the implementation of the proposed operation, had serious doubts as regards its likely impact on UNAMIR, considering the political environment. As a principle, Brazil had repeatedly maintained that the Council should do its utmost to avoid invoking the extraordinary powers conferred upon it by Chapter VII of the Charter. In that connection, he noted that the Council had avoided placing the humanitarian mandate given to UNAMIR under that Chapter. His delegation was keenly aware of the difficulty of maintaining simultaneous but separate peace-keeping and peace-enforcement operations in the same country. It had also taken note of the fact that one of the Rwandese parties had

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<sup>103</sup> S/1994/737.

<sup>104</sup> S/1994/734.

<sup>105</sup> S/PV.3392, p. 2.



made its opposition to the proposed operation fully known. In addition, the proposed operation might cloud the much-needed environment of support and cooperation that would enable UNAMIR to discharge its mandate in a successful manner. UNAMIR's overall mission could ultimately be jeopardized. The Council should continue to concentrate its collective efforts on making UNAMIR viable and operational without further delay. For those political reasons, Brazil was not in a position to endorse the draft resolution. His Government remained to be convinced that the proposed mission was in fact capable of effectively addressing the situation pending the arrival of the expanded forces of UNAMIR in Rwanda, particularly when there was opposition of one of the parties.<sup>106</sup>

The representative of China stated that UNAMIR had expended great effort in seeking a settlement to the crisis in Rwanda and had enjoyed the support of the international community, including African countries and the Rwandese parties to the conflict. China continued to believe that effective measures should be taken towards the early complete deployment of an expanded UNAMIR, which should play its role in accordance with resolutions 918 (1994) and 925 (1994). China had always believed in respecting the opinions of the countries concerned in a given question and those of the relevant regional organizations, and in securing the cooperation of all parties. Such cooperation was an indispensable condition for the success of United Nations peace-keeping operations. It was clear from the current situation, however, that the action which the draft resolution would authorize could not guarantee the cooperation of the parties to the conflict. The speaker also noted that, according to proposals formulated by the OAU at its recent summit meeting "any action or effort undertaken by any countries, independently or collectively, should be placed within the framework of UNAMIR" and that "all international efforts and resources should be employed to support the United Nations mandate in Rwanda". Hence, and on the basis of the experience and lessons of the United

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<sup>106</sup> *Ibid.*, pp. 2-3.

Nations peace-keeping operation in Somalia, his delegation would abstain in the vote on the draft resolution.<sup>107</sup>

The representative of Rwanda stated that the initiative under consideration was especially timely and helpful, as more than two months of efforts to gather the resources needed to deploy an expanded UNAMIR had yet to come to fruition. He noted that the Secretary-General had made it clear that UNAMIR might not be in a position for three months to fully undertake the tasks entrusted to it. The action envisaged in the draft resolution was of particular significance in the circumstances, for it would end the inertia of the international community in the face of the human tragedy in Rwanda. At the same time, the Rwandese Government agreed that the efforts of the international community to restore peace and stability to Rwanda and end the tragic situation there must focus urgently on achieving an effective cease-fire and on the crucial quest for a political settlement on the basis of the Arusha Peace Agreement. The international community should therefore do all it could to avoid any approach that would involve a military solution, which would only perpetuate the suffering endured by the Rwandese people. He concluded by appealing to Member States to give their full support to the proposed humanitarian operation and to participate in a speedy settlement of the bloody conflict in Rwanda.<sup>108</sup>

The draft resolution was then put to the vote and adopted by 10 votes in favour, none against and 5 abstentions (Brazil, China, New Zealand, Nigeria, Pakistan), as resolution 929 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* all its previous resolutions on the situation in Rwanda, in particular its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, which set out the mandate and force level of the United Nations Assistance Mission for Rwanda,

*Determined* to contribute to the resumption of the process of political settlement under the Arusha Peace Agreement,<sup>7</sup> and encouraging the Secretary-General and his Special Representative

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<sup>107</sup> *Ibid.*, p. 4.

<sup>108</sup> *Ibid.*, pp. 4-5.

for Rwanda to continue and redouble their efforts at the national, regional and international levels to promote these objectives,

*Stressing* the importance of the cooperation of all parties for the fulfilment of the objectives of the United Nations in Rwanda,

*Having considered* the letter from the Secretary-General dated 19 June 1994,

*Taking into account* the time needed to gather the necessary resources for the effective deployment of the Mission, as expanded in resolutions 918 (1994) and 925 (1994),

*Noting* the offer by Member States to cooperate with the Secretary-General towards the fulfilment of the objectives of the United Nations in Rwanda, and stressing the strictly humanitarian character of this operation, which shall be conducted in an impartial and neutral fashion and shall not constitute an interposition force between the parties,

*Welcoming* the cooperation between the United Nations, the Organization of African Unity and neighbouring States to bring peace to Rwanda,

*Deeply concerned* by the continuation of systematic and widespread killings of the civilian population in Rwanda,

*Recognizing* that the current situation in Rwanda constitutes a unique case which demands an urgent response by the international community,

*Determining* that the magnitude of the humanitarian crisis in Rwanda constitutes a threat to peace and security in the region,

1. *Welcomes* the letter dated 19 June 1994 from the Secretary-General, and agrees that a multinational operation may be set up for humanitarian purposes in Rwanda until the United Nations Assistance Mission for Rwanda is brought up to the necessary strength;

2. *Welcomes also* the offer by Member States to cooperate with the Secretary-General in order to achieve the objectives of the United Nations in Rwanda through the establishment of a temporary operation under national command and control aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, on the understanding that the costs of implementing the offer will be borne by the Member States concerned;

3. *Acting* under Chapter VII of the Charter of the United Nations, *authorizes* the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 2 above using all necessary means to achieve the humanitarian objectives set out in paragraphs 4 (a) and (b) of resolution 925 (1994);

4. *Decides* that the mission of Member States cooperating with the Secretary-General will be limited to a period of two months following the adoption of the present resolution, unless the Secretary-General determines at an earlier date that the expanded United Nations Assistance Mission for Rwanda is able to carry out its mandate;

5. *Commends* the offers already made by Member States of troops for the expanded Mission;

6. *Calls upon* all Member States to respond urgently to the Secretary-General's request for resources, including logistical support, in order to enable the expanded Mission to fulfil its mandate effectively as soon as possible, and requests the Secretary-General to identify and coordinate the supply of the essential equipment required by troops committed to the expanded Mission;

7. *Welcomes*, in this respect, the offers already made by Member States of equipment for troop contributors to the Mission, and calls on other Member States to offer such support, including the possibility of comprehensive provision of equipment to specific troop contributors, to speed the deployment of the Mission's expanded force;

8. *Requests* Member States cooperating with the Secretary-General to coordinate closely with the Mission and also requests the Secretary-General to set up appropriate mechanisms to this end;

9. *Demands* that all parties to the conflict and others concerned immediately bring to an end all killings of civilian populations in areas under their control and allow Member States cooperating with the Secretary-General to implement fully the mission authorized in paragraph 3 above;

10. *Requests* the States concerned and the Secretary-General, as appropriate, to report to the Council on a regular basis, the first such report to be made no later than fifteen days after the adoption of the present resolution, on the implementation of this operation and the progress made towards the fulfilment of the objectives referred to in paragraphs 2 and 3 above;

11. *Requests* the Secretary-General to report on the progress made towards completing the deployment of the expanded Mission within the framework of the report due no later than 9 August 1994 under paragraph 17 of resolution 925 (1994), as well as on progress towards the resumption of the process of political settlement under the Arusha Peace Agreement;<sup>7</sup>

12. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that his country had deemed it its duty to propose to the Secretary-General intervention in Rwanda, in the framework of a multinational operation, to protect defenceless civilians and save numerous endangered

lives. In so doing, France was merely responding to the urgent appeals which the Secretary-General had been making for two months to all Member States. He stressed that the goal of the French initiative was exclusively humanitarian. It would not be the mission of the French soldiers in Rwanda to interpose themselves between the warring parties, still less to influence in any way the military and political situation. France's objective was simple: to rescue endangered civilians and put an end to the massacres, and to do so in an impartial manner. France earnestly hoped that other countries would associate themselves with that initiative and would respond to the Council's appeal. His delegation recalled that it had regarded UNAMIR's immediate deployment under resolutions 918 and 925 (1994) as being of the utmost importance and stressed that it was not the objective of the French initiative to replace UNAMIR. On the contrary, the action of France and the countries which joined it had only one purpose: to fill a gap which was having disastrous consequences. It would end as soon as the UNAMIR troops had obtained their long-awaited reinforcements, at the latest within two months. He concluded by emphasizing the dedication of France to finding a negotiated political solution on the basis of the Arusha Agreements, adding that the African countries and the OAU had an essential role to play in that respect.<sup>109</sup>

The representative of the United States emphasized her country's strong support for the French initiative. The grave humanitarian crisis in Rwanda demanded a swift response from the international community. She pointed out that the scope of the resolution had been narrowed to address any skepticism regarding the role of the cooperating force and that the mandate of the force was limited to addressing humanitarian needs. In the light of that situation, the United States encouraged the force upon its arrival, and through its actions, to demonstrate its impartiality and evenhandedness in dealing with the parties in Rwanda. That would clarify for all that the force had a humanitarian mandate designed to protect innocent civilians and not to intervene in the conflict between the parties. Similarly, the United States called upon the parties in Rwanda to recognize the humanitarian role of the cooperating force and to assist the force in facilitating the

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<sup>109</sup> *Ibid.*, pp. 5-6.

provision of humanitarian assistance. She observed that the French decision to send troops to Rwanda reflected the continued need to strengthen the peace-keeping capabilities of the United Nations, as well as the need for cooperative action by Member States that were willing and able to supplement United Nations peace operations in particular situations. Recent examples of such action included the allied coalitions that responded to Iraq's invasion of Kuwait and to the humanitarian crisis in Somalia, the efforts of the Economic Community of West African States (ECOWAS) in Liberia and the North Atlantic Treaty Organization (NATO) action to enforce Security Council resolutions in Bosnia. The point was that to respond effectively to the variety of conflicts in the world required enough flexibility to accept imperfect solutions when no perfect solutions were available. Judgments must continually be made, on a case-by-case basis, of what was appropriate, what was consistent with principle and what would work.<sup>110</sup>

The representative of New Zealand explained that his delegation's abstention on the draft resolution was not due to any difference on the objectives or the motives. New Zealand differed only as to the means. Recalling that his delegation had circulated a draft resolution calling for an expanded United Nations operation under Chapter VII of the Charter, he stressed that it shared one hundred per cent the humanitarian intentions which underlay the French initiative. However, his delegation was not convinced that that operation would be able to protect civilians from massacres. There was, to the contrary, a very grave risk that the operation would become bogged down and would undermine the United Nations attempt to put in the field the kind of operation that would work. In his delegation's view, the Council must learn from the experience in Somalia, which had shown that trying to run two separate operations in parallel with different command arrangements did not work and, in the long run, those who were to be saved could be those who suffered. Another reservation about the French initiative was that there was already clear evidence that it was having a negative impact on UNAMIR, since some countries that had offered to support UNAMIR were now hesitating. The speaker concluded by

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<sup>110</sup> *Ibid.*, pp. 6-7.

observing that the delays faced by UNAMIR would disappear overnight if France's energy, enthusiasm and resources were instead put at the disposal of the United Nations.<sup>111</sup>

The representative of Spain stated that resolution 929 (1994) spelled out the French initiative in clear and precise terms by authorizing a temporary operation – under national command and control, and acting under Chapter VII of the Charter – aimed at making an impartial contribution to the security of displaced persons, refugees and the civilian population at risk. In so doing, it attempted to achieve the humanitarian objectives set forth in resolution 925 (1994). His delegation considered it vital for such an operation to have the cooperation of the parties. Resolution 929 (1994) specified the limited objectives of the mission, its interim nature and its status as a strictly humanitarian operation that would be carried out in an impartial and neutral manner. It further specified that the operation would not constitute an interposition force between the parties and much less would it be aimed against any one of them. It was also essential to attain and to maintain close and constant cooperation with UNAMIR.<sup>112</sup>

The representative of the United Kingdom regarded the French initiative as a courageous step in response to the urgent need for protection of those groups at risk in Rwanda. But he noted that it was only an interim measure which should not be allowed to hamper in any way UNAMIR's own deployment. His Government called on both parties in Rwanda to accept and to respect the multinational force for what it was – a humanitarian intervention sanctioned by the international community as an interim measure to protect those whose lives were at risk. At the same time, it would be vital that those forces deploying to Rwanda acted and were seen to act with clearly demonstrable impartiality and in no sense became involved in the fighting between the military forces of the parties. He cautioned that the safety of United Nations soldiers and the longer-term UNAMIR mission could well be crucially affected by the way the multinational operation was carried out.<sup>113</sup>

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<sup>111</sup> *Ibid.*, p. 7.

<sup>112</sup> S/PV.3392/Corr.1.

<sup>113</sup> S/PV.3392, pp. 8-9.

The representative of the Czech Republic noted that it was in the context of Member States' failure to promptly provide the resources necessary for the implementation of UNAMIR's expanded mandate that the Government of France had offered to undertake, with the consent of the Council and in conjunction with some other Member States, a multinational operation in Rwanda. It was to be an operation strictly humanitarian in character, which should be conducted in an impartial and neutral manner. His delegation took note of the misgivings voiced both within and outside the Council about the proposed operation, and would itself have preferred that consent be secured from the two warring parties in Rwanda prior to the deployment of the multinational force. His delegation was also concerned at the fact that the mandate of the multinational force was limited to a two-month period, whereas it would take almost three months for the expanded UNAMIR to be effectively deployed. He therefore strongly supported the Secretary-General's view that the Governments participating in the multinational force should commit themselves to maintaining their troops in Rwanda until UNAMIR was strong enough to take over.<sup>114</sup>

The representative of Nigeria saluted the French initiative, particularly after it became clear that the impression was being conveyed that the crisis in Rwanda was an African crisis which required an exclusive African solution. However, his delegation was unable to go along with the French initiative. Nigeria believed that the most valuable and appropriate framework for pursuing the peace process in Rwanda was UNAMIR. The situation in Rwanda constituted a threat to international peace and security. Under such circumstances, the United Nations, through the Security Council, retained a primary responsibility. Therefore, any effort – be it unilateral, bilateral or multilateral – was best subsumed within it. His delegation also believed that a parallel command structure in Rwanda of UNAMIR on the one hand and of the French-led intervention force on the other was most unlikely to produce a climate conducive to peace in Rwanda. Equally important was that the French initiative had far-reaching political and geo-strategic implications for

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<sup>114</sup> *Ibid.*, p. 9.



the entire continent as it tried to grapple with problems of crisis management, conflict resolution and development.<sup>115</sup>

**Decision** of 1 July 1994 (3400th meeting): resolution 935 (1994)

At its 3400th meeting, on 1 July 1994, the Security Council included the report<sup>116</sup> of the Secretary-General dated 31 May 1994 in its agenda. Following the adoption of the agenda, the President (Pakistan) drew the attention of the members of the Council to a draft resolution<sup>117</sup> submitted by the representatives of Argentina, the Czech Republic, France, New Zealand, the Russian Federation, Spain, the United Kingdom, and the United States.

Speaking before the vote, the representative of Spain noted that the report of the Secretary-General stressed the genocidal nature of the killings that took place in Rwanda and that, according to the Special Rapporteur of the Commission on Human Rights, there could be no doubt that genocide was being committed in Rwanda. Faced with that situation, the international community could not remain passive, particularly given the specific terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, a crime which was termed a crime against humanity. One objective of the draft resolution before the Council was the establishment of an impartial Commission of Experts to examine and analyze all the available information on the serious violations of international humanitarian law committed in Rwanda since the beginning of the conflict. As the Secretary-General had pointed out in his report, only a proper investigation could establish the facts in order to determine responsibility. Spain had promoted that initiative because it felt that the Council should react to the grave violations of international humanitarian law, including acts of genocide being perpetrated with impunity, by determining the facts and bringing those responsible for such crimes against humanity to justice. At the same time, it was extremely important that efforts continue and be

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<sup>115</sup> *Ibid.* p. 10.

<sup>116</sup> S/1994/640.

<sup>117</sup> S/1994/775.

intensified to promote a cease-fire and political dialogue, as well as to speed up the deployment of the expanded UNAMIR. In that regard, the establishment of a Commission of Experts would contribute to clarifying the facts with respect to the killings in Rwanda and to the carrying out of justice and would also make it possible to facilitate a political settlement by focusing responsibility on specific persons rather than on ethnic, social or political groups.<sup>118</sup>

The representative of the United States stated that, as the Council recognized by passing the draft resolution before it, the international community demanded that those who had committed atrocities in Rwanda since 6 April 1994 be held accountable. It was clear that there were acts of genocide in Rwanda, and they ought to be pursued. He noted that the draft resolution continued the process begun by the appointment by the Commission on Human Rights of a Special Rapporteur for Rwanda. Thus, it was acknowledged that implementation of human rights standards must be an integral part of every United Nations action taken on Rwanda. The Commission of Experts must build upon the work of the Special Rapporteur and work with him to carry out its mandate without duplicating his efforts. The role of the High Commissioner for Human Rights as coordinator of human rights activity throughout the United Nations system was, of course, vital in that regard. The Council's goal must be individual accountability and responsibility for grave violations of international humanitarian law in Rwanda. By fixing responsibility on those who had directed those acts of violence, the Council could transform revenge into justice, affirm the rule of law and bring the cycle of violence to a close. He added that the Council must be ready to respond as quickly as possible to the Commission's report. It was imperative that it avoid any unnecessary delay in bringing to justice those responsible for serious breaches of international humanitarian law.<sup>119</sup>

The representative of France stated that systematic violations of human rights and genocide had been committed in Rwanda. The draft resolution would establish a Commission of Experts to investigate such violations, which should make it possible to

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<sup>118</sup> S/PV.3400, pp. 2-3.

<sup>119</sup> *Ibid.*, pp. 3-4.

identify those responsible for these crimes so that the Council could then decide, on the basis of the Secretary-General's recommendations, under which jurisdiction they could be dealt with. His delegation considered it indispensable that the work of the High Commissioner for Human Rights, of the Special Rapporteur, and of the Commission of Experts be carried out in close cooperation. He noted further that the priority in Rwanda was to put an end to the human rights violations and to the massacres. It was for that sole objective that France had intervened within the framework of "Operation Turquoise", with a United Nations mandate, in order to ensure continuity while awaiting the deployment of the expanded UNAMIR. He concluded by emphasizing the special responsibility of the media that incited ethnic hatred and violence and urged those in charge of the radio stations concerned, and primarily Radio Mille Collines, to put an end to such criminal propaganda.<sup>120</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 935 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* all its previous resolutions on the situation in Rwanda,

*Reaffirming*, in particular, its resolutions 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, by which it expanded the United Nations Assistance Mission for Rwanda, and stressing in this connection the need for early deployment of the expanded Mission to enable it to carry out its mandate,

*Recalling* its presidential statement of 30 April 1994 in which it, inter alia, condemned all breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalled that persons who instigate or participate in such acts are individually responsible,

*Recalling also* the requests it addressed to the Secretary-General in its presidential statement of 30 April 1994 and in resolution 918 (1994), concerning the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict,

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<sup>120</sup> *Ibid.*, p. 5.

*Having considered* the report of the Secretary-General of 31 May 1994, in which he noted that massacres and killings had continued in a systematic manner throughout Rwanda and also noted that only a proper investigation could establish the facts in order to enable the determination of responsibility,

*Welcoming* the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights, and noting the appointment of a Special Rapporteur for Rwanda, pursuant to Commission on Human Rights resolution S-3/1 of 25 May 1994,

*Expressing once again its grave concern* at the continuing reports indicating that systematic, widespread and flagrant violations of international humanitarian law, including acts of genocide, have been committed in Rwanda,

*Recalling* that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice,

1. *Requests* the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to the present resolution, together with such further information as the Commission may obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur for Rwanda, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide;

2. *Calls upon* States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to grave violations of international humanitarian law, including breaches of the Convention on the Prevention and Punishment of the Crime of Genocide, committed in Rwanda during the conflict, and requests States, relevant United Nations bodies and relevant organizations to make this information available within thirty days of the adoption of the present resolution and as appropriate thereafter and to provide appropriate assistance to the Commission of Experts referred to in paragraph 1 above;

3. *Requests* the Secretary-General to report to the Council on the establishment of the Commission of Experts, and further requests the Secretary-General, within four months from the establishment of the Commission, to report to the Council on the conclusions of the Commission and to take account of those conclusions in any recommendations for further appropriate steps;

4. *Also requests* the Secretary-General and, as appropriate, the United Nations High Commissioner for Human Rights, through the Secretary-General, to make the information submitted to the Special Rapporteur for Rwanda available to the Commission of Experts and to facilitate adequate coordination and cooperation between the work of the Commission and the Special Rapporteur in the performance of their respective tasks;

5. *Urges* all concerned fully to cooperate with the Commission of Experts in the accomplishment of its mandate, including responding positively to requests from the Commission for assistance and access in pursuing investigations;

6. *Decides* to remain actively seized of the matter.

After the vote, the representative of New Zealand emphasized that the central purpose of resolution 935 (1994) was to provide a means for establishing the facts of the genocide. Once those facts had been established, then appropriate steps could be taken to determine how persons responsible for such acts, particularly the persons responsible for their planning and organization, could be brought to justice. He noted that genocide and other grave breaches of humanitarian law were international crimes subject to universal jurisdiction. The Council had recently taken steps to ensure that persons suspected of committing war crimes in the former Yugoslavia could be brought to justice. It could be no less concerned about the commission of such offences in Rwanda. The immediate need was therefore to ensure that information on the killings was collected and organized so that there would at least be a basis upon which subsequent prosecutions, whether undertaken internationally or through the Rwandan legal system, could proceed. The aim of the resolution was not retribution but justice. He noted further that it was not intended that the Commission of Experts should duplicate or cut across the work being carried out by the High Commissioner for Human Rights or the Special Rapporteur appointed by the Commission on Human Rights. His delegation saw the tasks to be pursued by the High Commissioner and the Special Rapporteur on the one hand, and the Commission of Experts on the other, as being quite distinct. The mechanism provided for in resolution 935 (1994) was a small step, but it was important. It demonstrated that the international community accepted its responsibility to uphold the laws proscribing genocide and that it had the will to help the Rwandese people come to terms with what had happened in their country.<sup>121</sup>

The representative of China stated that although his delegation had voted in favour of resolution 935 (1994), he wanted to place on record the following two points: first, his

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<sup>121</sup> S/PV.3400, pp. 5-6.

delegation had always maintained that the various organs of the United Nations should perform their functions in accordance with the mandates given them by the Charter. It was concerned with the increasing involvement of the Council in matters that were by nature within the purview of other organs. In its view, the Council should act as directed by the Charter and focus its efforts on its already heavy and important task of maintaining international peace and security as mandated by the Charter. Based on that position, his delegation had reservations on those elements in the resolution concerning the High Commissioner for Human Rights and the Special Rapporteur. Secondly, his delegation held that the establishment of the Commission of Experts as authorized by the resolution was an exceptional action adopted in line with the special situation in Rwanda and, therefore, should not be considered as a precedent.<sup>122</sup>

**Decision** of 6 July 1994: letter from the President

By a letter<sup>123</sup> dated 2 July 1994 addressed to the President of the Council, the Secretary-General transmitted a letter<sup>124</sup> dated 1 July 1994 from the representative of France on the deterioration of the situation in Rwanda and the danger of a further humanitarian tragedy. He informed the Secretary General that fighting outside the capital, which had spread to the south and the west, had resulted in an influx of tens of thousands of fleeing inhabitants. The continued fighting in south-west Rwanda was creating a situation that, in humanitarian terms, would quickly become completely uncontrollable. The entire country risked being the scene of major outbreaks of violence. France warned that if a cease-fire was not brought about immediately, it would be obliged to either withdraw from Rwandan territory while endeavouring to save human lives, or to organize a safe humanitarian zone. France believed that, on the basis of resolutions 925 (1994) and 929 (1994), it was authorized to organize such a safe humanitarian zone. Nevertheless, it was its wish that, through the Secretary-General, the United Nations should indicate its support for the establishment of such a zone.

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<sup>122</sup> *Ibid.* p. 7.

<sup>123</sup> S/1994/798.

<sup>124</sup> *Ibid.*, Annex.

In a letter<sup>125</sup> dated 6 July 1994, the President of the Council informed the Secretary-General as follows:

“I have the honour to inform you that your letter dated 2 July 1994 transmitting a communication from the Government of France has been brought to the attention of the members of the Security Council.”

**Decision** of 11 July 1994 (3402nd meeting): Adjournment

At its 3402nd meeting, on 11 July 1994, the Security Council resumed its consideration of the item.

The representative of France stated that the recent period in the history of the United Nations had demonstrated the limits of the Organization’s ability to act, which resulted from the fact that it could not take the place of States or parties to a conflict that themselves lacked the necessary political resolve. Yet, no one could deny the role the United Nations had played in restoring peace in Cambodia and El Salvador or in saving human lives in Somalia and Bosnia. No one could fail to recognize the progress the United Nations had made in helping to resolve humanitarian crises in which a restrictive interpretation of the principles of the Charter and, above all, political obstacles did not permit it to intervene. France had made a major contribution that made it possible – with due respect for the essential principle of the sovereignty of States – to respond to humanitarian crises that represented a clear threat to peace.

It was in the spirit of France’s commitment, along with the United Nations, to seeing the principles of the Charter increasingly affirmed in international life that the French Government decided to react to the tragedy in Rwanda and appealed to the Council to authorize an emergency humanitarian intervention in that country, an intervention which was the only way of ending the massacres and the exodus of people on a scale never before

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<sup>125</sup> S/1994/799.

seen on the continent of Africa. Reporting on the progress made by the French operation, he stated that the operation's humanitarian goal had been largely attained. The massacres had almost completely stopped in places where French forces were present, and a large volume of humanitarian aid had been delivered. However, the needs exceeded the capacity of France and the few countries working with it in the operation. In his view, the action of the entire international community should be pursued in three directions. First, at the humanitarian level, in view of the flow of refugees into the humanitarian safe area set up in south-west Rwanda and the desperate situation of the country as a whole, only firm action by States, United Nations humanitarian agencies and non-governmental organizations could prevent hunger and sickness from following upon the massacres. Secondly, reinforcements for UNAMIR should be deployed as soon as possible. The French and Senegalese forces in Rwanda could not of themselves take the place of an operation established by the Council. That was not their mission, nor was it the intention of the French Government, which indicated at the very start of Operation Turquoise that it intended to withdraw its troops at the end of July. Only the presence of a sizeable United Nations force on Rwandan territory would make it possible to begin the country's recovery by promoting a return to stability and the expansion of humanitarian action. France therefore urgently appealed to the international community to do everything possible to enable the strengthened UNAMIR to be deployed quickly. Finally, it was up to the United Nations, the OAU and the States of the Great Lakes region to use their influence to bring about a stable political solution that would allow Rwanda to find reconciliation and, in the spirit of the Arusha Agreement, the necessary social and political consensus. In that regard, the United Nations bodies with competence in the field of human rights should follow through on the procedures that had been started. He concluded by stating that the fate of Rwanda depended on the international community's ability to ensure that the United Nations peacekeeping mission be successfully carried out. It was thus imperative that France's effort should be assumed by the international community as a whole.<sup>126</sup>

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<sup>126</sup> S/PV.3402, pp. 2-4.



The representative of Argentina stated that the irreproachable humanitarian operation led by France in Rwanda was being carried out in accordance with the norms of neutrality and impartiality established by the Council in resolution 929 (1994) for a strictly humanitarian purpose. The tragic situation in Rwanda demanded that the international community strive to deploy the expanded UNAMIR without further delay in order to allow the Mission to fully carry out its mandate, with the consent of both the international community and the parties to the conflict. In his delegation's opinion, there was an evident need to strengthen the mechanisms of the United Nations system of collective security so that in the future the considerable operational difficulties that had delayed the deployment of UNAMIR could be avoided.<sup>127</sup>

**Decision** of 14 July 1994 (3405th meeting): statement by the President

By a letter<sup>128</sup> dated 14 July 1994 addressed to the President of the Council, the representative of France requested an urgent meeting of the Council in view of the rapid deterioration of the situation in Rwanda resulting in a massive exodus of the civilian population, which, he said, might lead to a further humanitarian disaster and threaten peace and security in the region,

At its 3405th meeting, on 14 July 1994, in response to the request from the representative of France, the Council resumed its consideration of the item. Following the adoption of the agenda, the President stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>129</sup> on behalf of the Council:

“The Security Council is alarmed by the continuation of fighting in Rwanda, which is causing a massive exodus of the population. This situation may lead very quickly to a further humanitarian disaster and endanger the stability of the region, since the flow of these refugees is seriously affecting the neighbouring countries.

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<sup>127</sup> *Ibid.*, p. 5.

<sup>128</sup> S/1994/823.

<sup>129</sup> S/PRST/1994/34.

“In the light of this grave situation, the Council:

“Demands an immediate and unconditional cease-fire and invites the parties to report to the Force Commander of the United Nations Assistance Mission for Rwanda on their actions in this respect;

“Urges the resumption of the political process in the framework of the Arusha Peace Agreement<sup>7</sup> and calls upon the countries of the region, the Secretary-General, his Special Representative and the Organization of African Unity to contribute actively to it;

“Reaffirms the humanitarian nature of the secure area in the south-west of Rwanda and demands that all concerned fully respect this. It will keep the matter under close review;

“Urges Member States, United Nations agencies and non-governmental organizations to mobilize all available resources in order urgently to provide humanitarian assistance to the civilian population in distress;

“Calls upon Member States to provide the necessary contributions in order to ensure the deployment of the expanded Mission in the immediate future.

“The Council is determined to follow very closely the development of the situation in Rwanda and remains actively seized of the matter.”

**Decision** of 10 August 1994 (3414th meeting): statement by the President

On 3 August 1994, pursuant to resolutions 925 (1994) and 929 (1994), the Secretary-General submitted to the Council a report<sup>130</sup> on the situation in Rwanda. The Secretary-General reported that since the adoption of those resolutions, the situation in Rwanda had been transformed. The RPF had established military control over most of the country. On 18 July 1994, it had unilaterally declared a cease-fire, effectively ending the civil war, and, on 19 July 1994, a broad-based Government of National Unity was formed. Although the flight of people seemed to have slowed, the humanitarian situation remained volatile and extremely fluid. Of particular concern was the possibility of another massive outflow from the humanitarian protected zone in south-west Rwanda when the French

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<sup>130</sup> S/1994/924.

forces withdrew by 31 July 1994. The international community was therefore confronted with four basic humanitarian challenges: to respond to immediate life-saving needs of refugees; to facilitate the early return of those who had fled their homes; to restore basic infrastructure in Rwanda; and to ensure a smooth transition in the humanitarian protected zone established by French forces. With the situation on the ground in Rwanda having changed radically over the past few weeks, UNAMIR had adjusted its operational plans to ensure stability and security in the north-western and south-western regions of Rwanda; stabilize and monitor the situation in all regions of Rwanda in order to encourage the return of refugees and the displaced population; provide security and support for humanitarian assistance operations inside Rwanda as humanitarian organizations arranged the return of refugees; and promote, through mediation and good offices, national reconciliation in Rwanda.

The Secretary-General noted that, given the agony of Rwanda, it was all the more tragic that the international community had hesitated for so long to intervene. It must now ensure that those responsible for such crimes were brought to justice. Moreover, the international community must do everything in its power to alleviate the appalling human suffering in the refugee camps in Zaire, as well as in Tanzania, Uganda and Burundi, and to enable refugees and displaced persons to return to their homes or other safe areas in reasonable security. In that connection, the Secretary-General was grateful to those Governments that had decided to deploy troops to Rwanda and/or Zaire in order to support the humanitarian effort. At the same time, he was becoming concerned by the problems of coordination that would arise if several foreign forces under national command were working alongside UNAMIR, which was under United Nations command and the forces loyal to the new Government. Ideally, all foreign forces engaged in support of the humanitarian effort should be part of UNAMIR. If that were not possible, he would urge that the deployment of the foreign forces should be authorized by the Council, even if their mandate was purely humanitarian, and that formal liaison arrangements be established between them and UNAMIR.

The Secretary-General concluded by stating that the ultimate political aim must be the installation of a broad-based system of government that would give all elements of society, irrespective of ethnic origin or social level, a sense of security and a stake in the country. The Arusha agreement still provided principles and a broad framework for establishing such a system. The OAU and Tanzania, which were instrumental in the negotiation of the Arusha agreement, would have a special role to play. Rwanda's four neighbours also had a special responsibility to promote stability in Rwanda and to ensure that their territories were not used for further destabilization.

At its 3414th meeting, on 10 August 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to several documents.<sup>131</sup> He then stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>132</sup> on behalf of the Council:

“The Security Council remains extremely concerned at the situation, as described in the report of the Secretary-General of 3 August 1994 and oral briefings by the Secretariat, in Rwanda and in the countries of the region where millions of displaced persons and refugees are concentrated in extremely precarious conditions from the standpoint of both food and sanitation.

“Bearing in mind the extreme seriousness of this situation, the Council considers that at present the most immediate task is to respond to the massive humanitarian crisis created by the population movements. To this end, the Council expresses its appreciation to all Member States, United Nations agencies, non-governmental organizations and individuals who responded to this humanitarian challenge and encourages them to continue and intensify their efforts, in particular in Rwandan territory, with a view to alleviating to the best of their ability the situation of all those who have fled from their homes and villages.

“The Council believes, furthermore, that the rapid return of the refugees and displaced persons to their homes is essential for the normalization of the situation in Rwanda. In this regard,

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<sup>131</sup> Letter dated 19 July 1994 from the Chargé d'affaires a.i of Zaire addressed to the President of the Council (S/1994/861); letter dated 2 August 1994 from the Chargé d'affaires a.i of the United Republic of Tanzania addressed to the President of the Council (S/1994/922); letter dated 1 August 1994 from the Secretary-General addressed to the President of the Council (S/1994/923); letters dated 4 and 8 August 1994, respectively, from the Chargé d'affaires a.i of France addressed, respectively, to the Secretary-General and to the President of the Council (S/1994/933 and S/1994/944); letter dated 5 August 1994 from the Chargé d'affaires a.i of Tunisia addressed to the President of the Council (S/1994/945); letter dated 4 August 1994 from the Deputy Representative of Germany addressed to the President of the Council (S/1994/950).

<sup>132</sup> S/PRST/1994/42.

the Council strongly condemns attempts to intimidate refugees carried out by those who are seeking to prevent them from returning to Rwanda. It urges the former leadership of Rwanda and those who have assumed political responsibility in the refugee camps to cooperate with representatives of the current Government in reconciliation and repatriation efforts and cease forthwith attempts and propaganda campaigns directed at destabilizing the situation in Rwanda and inducing refugees to stay in exile.

“The Council, moreover, welcomes the declared readiness of the new Government of Rwanda to encourage the return of the refugees and displaced persons, ensure their protection and their legal rights and allow aid to reach those who require it anywhere in the country. It considers that the new Government of Rwanda is responsible for the rapid implementation of these commitments, which are essential for speeding up the return of refugees to Rwanda.

“The Council also calls upon the Government of Rwanda to ensure that there are no reprisals against those who wish to return to their homes and resume their occupations. To this end, the Council encourages the Government of Rwanda to cooperate with the United Nations, in particular with the Commission of Experts established pursuant to Council resolution 935 (1994) of 1 July 1994, in ensuring that those guilty of the atrocities committed in Rwanda, in particular the crime of genocide, are brought to justice through an appropriate mechanism or mechanisms which will ensure fair and impartial trials in accordance with international standards of justice. In this connection, the Council welcomes the recent statement by the new Government of Rwanda supporting the establishment of an international tribunal and welcomes the report of the Secretary-General of 26 July 1994 on the establishment of the Commission of Experts<sup>133</sup> and the letter from the Secretary-General dated 29 July 1994 concerning the appointment of its members,<sup>134</sup> and urges the Commission to submit its conclusions as soon as possible.

“The Council welcomes the Secretary-General's intention to adapt the practical tasks of the United Nations Assistance Mission for Rwanda to the evolving situation within the framework of Council resolution 925 (1994) of 8 June 1994. The Council underlines the fact that the full deployment of the Mission will be important to establish a more secure environment in order to accelerate the process of return of refugees and displaced persons and to prevent further population movements, in particular from the secure humanitarian area, which might exacerbate the situation in neighbouring countries. For this reason, it is essential that the contingents that are to be part of the Mission are deployed without further delay and that the technical assistance they require for this purpose is provided to them as soon as possible.

“The Council also notes the importance of the deployment in Rwandan territory of civilian observers responsible for monitoring the establishment of a more secure environment, and in this regard welcomes the measures envisaged by the United Nations High Commissioner for Human Rights, within his mandate, with the assistance of certain Member States.

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<sup>133</sup> S/1994/879.

<sup>134</sup> S/1994/906.

“The Council reaffirms, as the Secretary-General emphasizes in his report of 3 August 1994, that the Arusha Peace Agreement constitutes an appropriate frame of reference for promoting national reconciliation in Rwanda. The Council reminds the Government of Rwanda of its responsibility for bringing its people together again in national reconciliation. In this context, the Council commends the countries neighbouring Rwanda and the Organization of African Unity for their commitment and assistance towards the solution of the conflict in Rwanda, and encourages them to continue to promote stability in the country and the entire region. The Council believes that, for their part, the neighbouring countries are also responsible for ensuring that their territories are not used for further destabilization of the situation.”

**Decision** of 14 October 1994 (3436th meeting): statement by the President

On 6 October 1994, pursuant to resolution 925 (1994), the Secretary-General submitted to the Council a progress report<sup>135</sup> on UNAMIR. The Secretary-General reported that since the cease-fire was declared on 18 July 1994, the fighting in Rwanda had all but ceased. The Broad-based Government of National Unity had established control over the whole of the national territory. There was steady progress in efforts to normalize the situation inside Rwanda and the Government seemed to recognize the need to include all its citizenry, regardless of ethnicity, within its administrative and security structures. While over two million Rwandese refugees remained in the neighbouring countries, the Government had undertaken efforts, in coordination with the United Nations, to encourage their safe and voluntary return to Rwanda. The Secretary-General had instructed his Special Representative to undertake a mission to Zaire and the United Republic of Tanzania to address the problem of the presence of former RGF political leaders, military elements and militia in the Rwandese refugee camps, especially those in Zaire, which had had a destabilizing effect on security in the camps. His Special Representative had concluded that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former Rwandese Government Forces soldiers and militias from the rest of the refugee population. In order to address more fully the problems associated with that and to evaluate the financial, logistic and security requirements, a Joint Zairian/United Nations working group was established.

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<sup>135</sup> S/1994/1133.

The Secretary-General further endorsed the recommendation made by the Commission of Experts in its preliminary report that trials of individuals suspected of serious breaches of international humanitarian law, crimes against humanity and acts of genocide be carried out by an international criminal tribunal. He noted that the Commission considered it preferable that the jurisdiction of the International Criminal Tribunal for the Former Yugoslavia be expanded to cover international crimes committed in Rwanda from 6 April 1994 rather than to create a separate ad hoc international criminal tribunal. It was for the Council to decide on the course of action to be adopted.

The Secretary-General also urged the Rwandese Government to maintain an open dialogue with all political interest groups, including former government officials, except for individuals who were found, through due process, to have been directly implicated in acts of genocide. He concluded by observing that the evolving developments in and around Rwanda strengthened the case for a broader approach to the question of national reconciliation and the other aspects of the crisis. Recalling that the mission which the Council had dispatched to Burundi from 13 to 14 August 1994 had recommended, *inter alia*, that an international conference be convened to look into the problems of the subregion, he stated that he would continue to consult with all relevant parties with a view to determining how the United Nations could assist in the preparation and convening of such a conference.

At its 3436th meeting, on 14 October 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United Kingdom) drew the attention of the members of the Council to a letter<sup>136</sup> dated 28 September 1994 addressed to the President of the Council from the representative of Rwanda. He then stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>137</sup> on behalf of the Council:

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<sup>136</sup> S/1994/1115.

<sup>137</sup> S/PRST/1994/59.

“The Security Council has considered the progress report of the Secretary-General on the United Nations Assistance Mission for Rwanda. The Council stresses the importance it attaches to the role of the Mission, whose neutral and independent presence is crucial to creating conditions of security. It welcomes the Secretary-General's revised deployment schedule for the Mission which is intended to promote security in all sectors of the country and create conditions conducive to the return of refugees. It also welcomes the assistance being provided by the Mission to the efforts of the Government of Rwanda to establish a new integrated police force. It encourages the Mission to continue that assistance and asks the Secretary-General to provide it with detailed information on this programme.

“The Council remains extremely concerned at the plight of the millions of refugees and displaced persons in Rwanda and the countries of the region. It reiterates its view that their return to their homes is essential for the normalization of the situation in Rwanda and for the stabilization of the region. It deplores the continuing acts of intimidation and violence within the refugee camps which are designed to prevent the refugee population there from returning home. It welcomes the commitment of the Governments of Zaire, the United Republic of Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety of both the refugees and the international personnel providing humanitarian assistance to the refugees.

“The Council notes the view expressed in the report that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former Rwandese Government Forces soldiers and militias from the rest of the refugee population, and looks forward to receiving a further report from the Secretary-General on this issue, as soon as possible, based, *inter alia*, on the findings of the United Nations team participating in the joint Zairian/United Nations working group. It stresses once again the responsibilities which fall upon the neighbouring countries, including that of ensuring that their territories are not used to destabilize the situation.

“The return of refugees is also crucially dependent upon the situation within Rwanda itself, including the existence of a climate of confidence and the establishment of a more secure environment. The Council notes the important role human rights monitors and their speedy deployment will have in this context and notes also the importance of cooperation between them and the Mission. The Council stresses the importance it attaches to the Mission having an effective broadcasting service to provide objective information. It hopes that the Government of Rwanda will assist in enabling the proposed United Nations radio station to come into operation as soon as possible.

“The Council welcomes the efforts being made by the Government of Rwanda to facilitate the return of refugees and to begin the difficult process of national reconciliation and reconstruction in the country. It notes with concern reports that some reprisals may have occurred and affirms the importance it attaches to the avoidance of reprisals against returnees and to the safeguarding of their property rights. It welcomes the speed with which the United Nations and the Government of



Rwanda responded to allegations that some Rwandese Patriotic Army soldiers might have been responsible for systematic killings. It underlines the importance it attaches to the thorough and expeditious investigation of these allegations.

“The Council welcomes the assurance given to Council members by President Bizimungu of his Government's commitment to achieving national reconciliation and promoting respect for the fundamental rights of individuals. The Council stresses the importance it attaches to the Government of Rwanda implementing this commitment. In this context, it endorses the Secretary-General's call to the Government of Rwanda to maintain an open dialogue with all political interest groups in Rwanda in an effort to achieve genuine reconciliation between all elements of Rwandan society, within the frame of reference of the Arusha Peace Agreement. In particular, the Council encourages the Government of Rwanda to continue its efforts to invite members of the Mouvement républicain national pour le développement who were not involved in the massacres to participate in the Government and to absorb members of the former Rwandese Government Forces into the new army.

“The Council reaffirms its view that those responsible for serious breaches of international humanitarian law and acts of genocide must be brought to justice. It stresses that persons involved in such acts cannot achieve immunity from prosecution by fleeing the country and notes that the provisions of the Convention relating to the Status of Refugees do not apply to such persons. In this context, the Council is currently considering the recommendations of the Commission of Experts in respect of the establishment of an international tribunal and will act expeditiously in the matter.

“The Council commends the assistance given by the international community, the United Nations agencies and non-governmental organizations in response to the crisis in Rwanda. It calls on them to maintain their support during the difficult transition period and to begin to redirect their support from relief to rehabilitation and reconstruction. It endorses the Secretary-General's views as to the importance of immediate and coordinated assistance, in particular to the restoration of civil administration and the reconstruction of the social and economic infrastructure of the country.

“The Council agrees with the Secretary-General that developments in Rwanda strengthen the case for a broader approach to the question of national reconciliation and other key aspects of the crisis. It encourages him to continue his consultations on how the United Nations can assist in the preparation and convening of an international conference to look into the problems of the subregion.

“The Council will remain seized of the matter.”

**Decision** of 8 November 1994 (3453rd meeting): resolution 955 (1994)

By a letter<sup>138</sup> dated 1 October 1994, the Secretary-General submitted to the President of the Council the interim report of the Commission of Experts<sup>139</sup>. The Secretary-General drew his attention to the preliminary conclusions reached by the Commission, namely, that in the period from 6 April to 15 July 1994 individuals from both sides to the armed conflict had perpetrated serious breaches of international humanitarian law; individuals from both sides to the armed conflict had perpetrated crimes against humanity in Rwanda; and acts of genocide against the Tutsi group were perpetrated by Hutu elements in a concerted, planned, systematic and methodical way. The Commission had not uncovered any evidence to indicate that Tutsi elements perpetrated acts committed with the intent to destroy the Hutu ethnic group as such. It recommended that the Council ensure that the individuals responsible for the foregoing grave violations of human rights in Rwanda during the armed conflict were brought to justice before an independent and impartial international criminal tribunal. It had further recommended that the Council amend the Statute of the International Criminal Tribunal for the former Yugoslavia so that it could consider crimes committed in Rwanda.

At its 3453rd meeting, on 8 November 1994, the Council considered the item entitled “The situation concerning Rwanda: Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States”. Following the adoption of the agenda, the President drew the attention of the members of the Council to several documents<sup>140</sup> as well as to a draft resolution<sup>141</sup> submitted by Argentina, France, New Zealand, the Russian Federation, Spain, the United Kingdom and the United States.

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<sup>138</sup> S/1994/1125.

<sup>139</sup> *Ibid.*, Annex.

<sup>140</sup> Report of the Secretary-General on the establishment of the Commission of Experts pursuant to paragraph 1 of resolution 935 (1994) (S/1994/879); letter dated 29 July 1994 from the Secretary-General addressed to the President of the Council (S/1994/906); letter dated 28 September 1994 from the representative of Rwanda addressed to the President of the Council (S/1994/1115); letter dated 1 October 1994 from the Secretary-General addressed to the President of the Council, transmitting the preliminary report of the independent Commission of experts established in accordance with resolution 935 (1994) (S/1994/1125); note by the Secretary-General transmitting the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda (S/1994/1157); letter dated 31 October 1994 from the Charge d'affaires a.i of Uganda addressed to the President of the Council (S/1994/1230).

<sup>141</sup> S/1994/1168.

Speaking before the vote, the representative of the Russian Federation stated that those responsible for the crimes committed in Rwanda must receive the punishment they deserved. That was the major, but not the sole, task of the international tribunal which was to be created. The Russian Federation also believed that by its activity the tribunal must promote the process of national reconciliation, the return of refugees, and the restoration and maintenance of peace in Rwanda. Support for the draft resolution would give yet another clear and unequivocal signal that the international community would not tolerate serious violations of norms of international humanitarian law and disregard for the rights of the individual. He further noted that the history of the establishment of international tribunals, first in the former Yugoslavia and then in Rwanda, reinforced his country's conviction that a permanent international criminal court must be established in the near future.<sup>142</sup>

The draft resolution was then put to the vote and adopted by 13 votes in favour, 1 against (Rwanda) and 1 abstention (China), as resolution 955 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* all its previous resolutions on the situation in Rwanda,

*Having considered* the report of the Secretary-General submitted pursuant to paragraph 3 of resolution 935 (1994) of 1 July 1994, and his letter dated 29 July 1994, and having taken note of the reports of the Special Rapporteur for Rwanda of the Commission on Human Rights,

*Expressing its appreciation* for the work of the Commission of Experts established pursuant to resolution 935 (1994), in particular its preliminary report on violations of international humanitarian law in Rwanda transmitted by the letter from the Secretary-General dated 1 October 1994,

*Expressing once again its grave concern* at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

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<sup>142</sup> S/PV.3453, pp. 2-3.

*Determining* that this situation continues to constitute a threat to international peace and security,

*Determined* to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

*Convinced* that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace,

*Believing* that the establishment of an international tribunal for the prosecution of persons responsible for genocide and the other above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

*Stressing* the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects,

*Considering* that the Commission of Experts established pursuant to resolution 935 (1994) should continue on an urgent basis the collection of information relating to evidence of grave violations of international humanitarian law committed in the territory of Rwanda and should submit its final report to the Secretary-General by 30 November 1994,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* hereby, having received the request of the Government of Rwanda,<sup>143</sup> to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, and to this end to adopt the statute of the International Tribunal for Rwanda annexed hereto;

2. *Decides* that all States shall cooperate fully with the International Tribunal for Rwanda and its organs in accordance with the present resolution and the statute of the Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under article 28 of the statute, and requests States to keep the Secretary-General informed of such measures;

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<sup>143</sup> S/1994/1115.

3. *Considers* that the Government of Rwanda should be notified prior to the taking of decisions under articles 26 and 27 of the statute;
4. *Urges* States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal for Rwanda, including the offer of expert personnel;
5. *Requests* the Secretary-General to implement the present resolution urgently and in particular to make practical arrangements for the effective functioning of the International Tribunal for Rwanda, including recommendations to the Council as to possible locations for the seat of the Tribunal at the earliest time, and to report periodically to the Council;
6. *Decides* that the seat of the International Tribunal for Rwanda shall be determined by the Council, having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat, acceptable to the Council, having regard to the fact that the Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions, and decides that an office will be established and proceedings will be conducted in Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements;
7. *Decides* to consider increasing the number of judges and Trial Chambers of the International Tribunal for Rwanda if it becomes necessary;
8. *Decides* to remain actively seized of the matter.

#### ANNEX

##### Statute of the International Tribunal for Rwanda

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After the vote, the representative of France stated that individuals, regardless of the community to which they belonged, must be brought to trial and judged if they had violated the most fundamental rules of war, if they had committed crimes against humanity and, above all, if they had committed acts of genocide. Such acts unquestionably fell within the jurisdiction of an international court which could forcefully and impartially see that justice was served on behalf of all mankind. Because of their particular seriousness, the offences which fell within the competence of the Tribunal were a threat to peace and international security which justified recourse to Chapter VII of the Charter. Such a solution which was

binding on all States had the additional merit of eliminating the possibility of any prosecution that was undertaken against suspects being in any way tinged by suspicion of vengeance or subjectivity. Thus the Tribunal should in its own way contribute to restoring civil peace to the territory of Rwanda. He noted that not all perpetrators of serious offences could be tried by the International Tribunal, which would have to determine itself which cases it could appropriately deal with, while the other suspects would remain subject to the national jurisdiction of Rwanda or of other States. He noted also that the Tribunal would be competent to deal with offences committed between 1 January and 31 December 1994. If major infractions, together with violations of humanitarian law, were repeated after the end of 1994, the Council would be entitled to extend the Tribunal's competence beyond the time period envisaged. In conclusion, he hoped that the judgment of such cases in the future would fall within the competence of a permanent international criminal court established by treaty. In France's view, it was only because such a court did not exist that the Council had had to make use of its powers to establish a first and then a second ad hoc international tribunal. Such an initiative on the part of the organ entrusted with the maintenance of peace was legitimate and indispensable.<sup>144</sup>

The representative of New Zealand stressed that resolution 955 (1994) was a decision which the Council was taking on behalf of all the Members of the United Nations. Article VII of the Convention on the Prevention and Punishment of the Crime of Genocide envisaged action under the Charter to suppress genocide, and article VI of the Convention envisaged the establishment of international tribunals to try persons charged with genocide. The Council was therefore acting within the framework of international law when it used its authority under the Charter to respond, as it had done, to the recommendation of the Commission of Experts. The Council had acted quickly, but it had also acted responsibly. It was regrettable, however, that the resolution was not adopted by consensus. The speaker recalled that the Government of Rwanda had requested the Tribunal, and was therefore disappointed that it had not supported the resolution. His delegation understood that that was principally because of the Rwandese Government's desire that those convicted of

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<sup>144</sup> S/PV.3453, pp. 3-4.

genocide should be executed. In that regard, he noted that for over three decades, the United Nations had been trying progressively to eliminate the death penalty and that it would therefore be entirely unacceptable to introduce it in there. It would also go against the spirit of the Arusha Agreement, which the Government of Rwanda had pledged to honour and which had committed all parties in Rwanda to accept international human rights standards. New Zealand could not support any proposals that would change the international character of the Tribunal or introduce any suggestion that the Tribunal could be subordinated to Rwandan political intervention. The speaker further noted that the Council did not simply produce an add-on to the former Yugoslavia Tribunal, for it recognized that there were important differences between the two situations. Moreover, the focus of the jurisdiction of the Tribunal was not on war crimes, but on genocide, as Rwanda had requested. He also noted that the Tribunal would be specific to Rwanda and that its temporal jurisdiction had been expanded backwards, to January 1994, so as to include acts of planning for the genocide that occurred in April of that year. He believed that the Council had tried genuinely to accommodate Rwanda's reasonable concerns and hoped that Rwanda would in turn offer its cooperation to the Tribunal. In that connection, he observed that the guarantee of a fair and impartial trial would go some way to encouraging the millions of Rwandese refugees in neighbouring countries to return to their homeland.<sup>145</sup>

The representative of the United Kingdom noted that the Commission of Experts had strongly recommended the creation of an international criminal tribunal for Rwanda rather than a domestic tribunal because in its view an international tribunal would best meet the objectives of independence, objectivity and impartiality. The Commission had also pointed out that the gravity of the human-rights violations committed in Rwanda extended far beyond that country – they concerned the international community as a whole – and, furthermore, that there was a need to ensure justice not only in respect of atrocities already perpetrated, but also as a matter of deterrence for the future. His Government shared those views. The speaker stressed that it was essential to maintain in the statute and in the

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<sup>145</sup> *Ibid.*, pp. 4-6.

resolution the international character of the Tribunal, which meant that some changes sought could not be agreed without sacrificing that character. But he was sure that the Council could expect from the Government of Rwanda the degree of cooperation that was demanded of all Member States in relation to resolutions adopted under Chapter VII. Resolution 955 (1994) made clear that all Member States would have obligations in relation to the Rwanda Tribunal.<sup>146</sup>

According to the representative of Argentina, the establishment of the *ad hoc* Tribunal by the Council responded to the specific circumstances being confronted by Rwanda and was the result of a specific request made by the Rwandese Government for rapid and effective action to contribute to reconciliation and reconstruction and to the maintenance of peace in Rwanda. The Tribunal having been set up as an *ad hoc* organ, it was clear that it was not authorized to establish rules of international law or to legislate as regards such law but, rather, it was to apply existing international law. He pointed out that for a standing international tribunal to be established as legitimate and effective, it should be the result of a treaty agreed among sovereign States. His delegation was satisfied to see that the guidelines contained in the Statute of the Tribunal could adequately ensure due legitimacy and transparency for the decisions of the Tribunal, as well as the human rights and fundamental freedoms of those accused.<sup>147</sup>

The representative of Brazil stated that his country was neither convinced that the competence to establish and/or to exercise an international criminal jurisdiction was among the constitutional powers of the Council nor that the option of resorting to a resolution of the Council was the most appropriate method for such a purpose. He noted that the authority of the Council was not self-constituted, but rather originated from the delegation of powers conferred upon it by the whole membership of the Organization under Article 24 (1) of the Charter. For that reason, the Council's powers and responsibilities under the Charter should be strictly construed, and could not be created, recreated or reinterpreted by decisions of the Council itself. Moreover, the Council's responsibilities lay not in the

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<sup>146</sup> *Ibid.*, p. 6.

<sup>147</sup> *Ibid.*, p. 8.



judicial or institution-building field, but in the maintenance of international peace and security. Therefore, in Brazil's view, the invocation of Chapter VII of the Charter for the purpose of establishing an international tribunal went beyond the competence of the Council as clearly defined in the Charter. Moreover, since genocide was one of the most serious crimes to be tried by the Tribunal, the principle set out in article VI of the Convention on the Prevention and Punishment of the Crime of Genocide, according to which the jurisdiction of an international penal tribunal must be accepted by the party concerned, should have been observed. Brazil would have preferred that an initiative of that nature had received a much deeper and more thorough examination, with the appropriate participation of the broad membership of the United Nations. Brazil's preferred method for the creation of an international criminal tribunal remained the conclusion of a convention by the international community clearly setting up the tribunal's jurisdiction and terms of reference. As in the case of the establishment of the Tribunal for the former Yugoslavia, Brazil's vote on the establishment of the International Tribunal for Rwanda should not be construed as an overall endorsement of the procedural or substantive elements involved. In Brazil's view, neither of those instances established any legal precedent for the future. Yet, given that the overriding purpose of the International Tribunal was to bring to justice those responsible for the massacres, Brazil voted in favour of its establishment while qualifying its support with the serious foregoing reservations, both procedural and substantive. Exceptional *ad hoc* initiatives by the Council might not be the best way to promote the consistent, balanced and effective application of international humanitarian law or to create an environment conducive to the enhancement of the rule of law in international public order.<sup>148</sup>

According to the representative of China, the establishment of an international tribunal for the prosecution of those who were responsible for crimes that gravely violated international humanitarian law was a special measure taken by the international community to handle special problems. It was only a supplement to domestic criminal jurisdiction and the exercise of universal jurisdiction over certain international crimes. China was not in

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<sup>148</sup> *Ibid.*, pp. 8-10.

favour of invoking at will Chapter VII of the Charter to establish an international tribunal through the adoption of a resolution. However, it was for the purpose of upholding justice and bringing to justice as soon as possible those responsible for crimes that seriously violated international humanitarian law – and especially on the basis of the urgent desire of the Government of Rwanda, the unique circumstances then prevailing in that country and the strong demand of the African countries and the international community – that China was originally prepared to give positive consideration to the draft resolution and the draft statute. Noting that the Rwanda Government had expressed its desire for further consultations with respect to the establishment of the Tribunal, his view was that that request should have been taken into consideration. Without the full cooperation and support from the Rwandese Government, it would be difficult for the Tribunal to perform its duties in an effective manner. It was therefore an incautious act to vote in a hurry on that draft resolution that the Rwandan Government still found difficult to accept.<sup>149</sup>

The representative of Spain noted that it was not only the Rwandese people but the entire international community that was affected by the events in Rwanda. That was why, for the second time in its history, the Council, acting under Chapter VII of the Charter, had established a jurisdictional organ with a specific competence but also with broad powers to hand down judgments. While there had been unanimity in the Council on the need for the establishment of an International Tribunal for Rwanda, there had also been some differences of opinion among Council members with regard to the Tribunal's Statute. Just as in the case of the Tribunal for the former Yugoslavia, Spain believed that the independence of the International Tribunal for Rwanda was its most important attribute: independence *vis-à-vis* Governments, *vis-à-vis* national tribunals and even *vis-à-vis* the United Nations itself. Furthermore, although the new Tribunal would share with the Tribunal for the former Yugoslavia certain aspects, it would have legal independence. It was a separate Tribunal with its own Statute, its own sphere of jurisdiction and its own rules of operation. The financial implications of the work of the new Tribunal would be less, however, than those of an entirely new body, as it could benefit from a large part of

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<sup>149</sup> *Ibid.*, p. 11.

the resources of the Tribunal for the former Yugoslavia. He also pointed out that the Tribunal's effectiveness would depend in the final analysis on the support, cooperation and encouragement of the international community. The speaker further noted that the decision to adopt resolution 955 (1994) was within the authority conferred by the Charter upon the Council to act in cases of threats to peace. Nonetheless, the establishment of the Tribunal – as in the case of the former Yugoslavia – should in no way cut off the international community's access to the path towards the establishment of a universal criminal jurisdiction. Case-by-case solutions might be adequate for reasons of urgency, but a general institution would provide a better solution to specific problems.<sup>150</sup>

The representative of Nigeria, while regretting that Rwanda was unable to support resolution 955 (1994), noted that the new Government of Rwanda had declared its readiness to cooperate and work with the International Tribunal. His delegation understood that the International Tribunal for Rwanda was designed not to replace, but to complement, the sovereignty of Rwanda. The international and impartial character of the Tribunal would enhance the prospects of national reconciliation in Rwanda. At the same time, he noted that the establishment of an international tribunal was without prejudice to the setting up by the Government of Rwanda of a national tribunal that it might wish to establish to address issues concurrently on the basis of national perspectives and interest.<sup>151</sup>

The representative of Rwanda stated that there were a number of reasons why the Rwandese Government had requested the establishment of an international tribunal. First, the Rwandese Government wanted to involve the international community and to enhance the exemplary nature of a justice that would be seen to be completely neutral and fair. Secondly, it appealed for an international presence in order to avoid any suspicion of its wanting to organize speedy, vengeful justice. Thirdly, it wanted to make it easier to get at those criminals who had found refuge in foreign countries. Fourthly, the genocide committed in Rwanda was a crime against humankind and should be suppressed by the international community as a whole. His Government, however, was still not satisfied with

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<sup>150</sup> *Ibid.*, pp. 11-13.

<sup>151</sup> *Ibid.*, p. 13.

resolution 955 (1994) or with the Statute of the International Tribunal for Rwanda as it stood. It regarded the dates set for the *ratione temporis* competence of the Tribunal from 1 January to 31 December 1994 as inadequate, having proposed the period from 1 October 1990, the beginning of the war, to 17 July 1994, the end of the war. An international tribunal which refused to consider the causes of the genocide in Rwanda and its planning, and the pilot projects that preceded the major genocide of April 1994, could not be of any use to Rwanda, because it would not contribute to eradicating the culture of impunity or creating a climate conducive to national reconciliation. The composition and structure of the Tribunal were also inappropriate and ineffective. There was an intention to disperse the Tribunal resources and energy by prosecuting crimes that came under the jurisdiction of internal tribunals. The draft resolution and statute did not indicate the order of priority for crimes considered by the Tribunal. There was also a concern that certain countries which took a very active part in the civil war in Rwanda might propose candidates for judges to the Tribunal and participate in their election. His Government could not accept that the draft statute of the Tribunal proposed that those condemned be imprisoned outside Rwanda and that those countries be given the authority to reach decisions about the detainees. That was for the International Tribunal or at least for the Rwandese people to decide. Furthermore, the Tribunal established a disparity in sentences since it ruled out capital punishment, although it was provided for in the Rwandese penal code, thereby generating a situation which was not conducive to national reconciliation in Rwanda. Finally, his Government had called for the establishment of an international tribunal to, *inter alia*, teach the Rwandese people a lesson, to fight against the impunity to which it had become accustomed and to promote national reconciliation. It therefore seemed clear that the seat of the International Tribunal should be set in Rwanda; it would have to deal with Rwandese suspects, responsible for crimes committed in Rwanda against the Rwandese. Establishing the seat of the Tribunal on Rwandese soil would promote the harmonization of international and national jurisprudence. For those reasons, his Government decided to vote against the draft resolution.<sup>152</sup>

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<sup>152</sup> *Ibid.*, pp. 13-16.

The President, speaking in her capacity as representative of the United States, expressed regret at the decision of Rwanda to vote against the resolution and urged its Government to honour its obligation to cooperate fully with the International Tribunal. Her Government fully supported the establishment of a Tribunal office in Kigali and agreed that a great deal of the Tribunal's work should necessarily proceed in Rwanda. It also looked forward to further consultations on the official seat of the Tribunal. The speaker stressed that one major challenge was the finding of adequate funding for the Tribunal and urged all Member States to make voluntary contributions. She concluded by saying that the international community had a responsibility to see that the Tribunal could accomplish its objective, one that the Council increasingly recognized: to hold individuals accountable for their violations of international humanitarian law.<sup>153</sup>

**Decision** of 30 November 1994 (3472nd meeting): statement by the President.

On 18 November 1994, pursuant to the presidential statement of 14 October 1994, the Secretary-General submitted to the Council a report<sup>154</sup> on security in the Rwandese refugee camps. The report focused on the issue of security in the camps in Zaire. The Secretary-General reported that an estimated 1.2 million people who had fled Rwanda in mid-July to the Kivu region of Zaire, were living in overcrowded, chaotic and increasingly insecure camps. The camps were controlled by former Rwandese political leaders, government forces and militia who were determined to ensure by force, if necessary, that the refugees did not repatriate to Rwanda. It was believed that they might be stockpiling and selling food distributed by relief agencies in preparation for an armed invasion of Rwanda. Security was further undermined by general lawlessness and criminal activity. That situation had led to the withdrawal of non-governmental relief organizations. Another reason for the slow pace in the repatriation of refugees was their fear of reprisals by the Government for atrocities committed during the genocide.

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<sup>153</sup> *Ibid.*, pp. 17-18.

<sup>154</sup> S/1994/1308.

The Secretary-General identified three options to improve security in the camps: (a) a United Nations peace-keeping operation<sup>155</sup>, which option he favoured; (b) a United Nations force, set up under Chapter VII of the Charter; and (c) a multinational force, authorized by the Council under Chapter VII of the Charter but not under United Nations command. He observed that the first step towards promoting the repatriation of refugees must be a determined effort by the international community to improve security in the Rwandese refugee camps, especially those in Zaire. Any operation to achieve that would be futile without parallel efforts towards national reconciliation in Rwanda. It would also be a difficult, complex, and to some extent, unprecedented enterprise.

The Secretary-General further stated that a two-pronged approach must be adopted of addressing security issues in the camps and, at the same time, helping the Rwandese Government to create conditions in Rwanda under which large-scale repatriation and reintegration of refugees and internally displaced people could take place. The Government also needed immediate and major financial and technical assistance from the international community, in the establishment of security, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for all Rwandese. In that regard, about 60 human rights monitors had been deployed in the country to monitor the conditions of returning refugees and internally displaced people. Furthermore, UNAMIR was planning to deploy political affairs officers specifically to assist the Government in promoting national reconciliation and re-establishing civil administration and to facilitate coordination between the activities of UNAMIR and those of other United Nations agencies and programmes.

The Secretary-General indicated that it was his intention to concentrate all the efforts of the United Nations system on the immediate priorities of establishing secure conditions in the refugee camps in Zaire and of providing financial and technical assistance to the Rwandese Government. Once progress had been made on those two fronts, he would work with the OAU to address the wider problems of the subregion. The first step

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<sup>155</sup> *Ibid.*, para.18-25.

in that direction would be the convening of the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, which was decided upon by the OAU at Tunis in June 1994 and endorsed by the General Assembly in its resolution 49/7. At a later stage, a broader conference should be convened jointly by the United Nations and the OAU to address a range of political and other issues, including national reconciliation and land-related questions, in order to identify long-term solutions which would ensure peace, security and development in the subregion.

At its 3472nd meeting, on 30 November 1994, the Security Council included the above report in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a letter<sup>156</sup> dated 15 November 1994 addressed to the Secretary-General from the representative of Zaire. She then stated that, following consultations among members of the Council, she had been authorized to make the following statement<sup>157</sup> on behalf of the Council:

“The Security Council has considered carefully the report of the Secretary-General of 18 November 1994 on security in the Rwandan refugee camps, particularly those located in Zaire. It is gravely concerned at the situation described in the report of the Secretary-General.

“The Council condemns the actions being taken by the former Rwandan leaders and by former government forces and militias to prevent, in some cases by force, the repatriation of the refugees in the camps. It also condemns the ongoing interference by these groups and individuals in the provision of humanitarian relief, and is deeply concerned that this interference has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps.

“The Council is alarmed at the indications that these same groups and individuals may be preparing for an armed invasion of Rwanda. It deplores the fact that food distributed by relief agencies for those in the camps is apparently being misappropriated for this purpose. The Council condemns all such actions. It warns these persons, many of whom may have been implicated in the genocide and other serious violations of international humanitarian law unleashed on Rwanda in April 1994, that their actions will only reinforce the determination of the international community to ensure that such persons are brought to justice. The Council also stresses once again the

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<sup>156</sup> S/1994/1305.

<sup>157</sup> S/PRST/1994/75.

responsibilities of neighbouring countries for ensuring that their territories are not used to destabilize the situation inside Rwanda.

“The Council notes the statement in the report of the Secretary-General that the first step towards promoting the repatriation of refugees must be a determined effort by the international community to reduce intimidation of prospective returnees and to improve security in the Rwandan refugee camps, especially those in Zaire. The Council attaches equal importance to the Secretary-General's observation that any operation to achieve this would be futile without parallel efforts to promote national reconciliation and reconstruction in Rwanda. The Council stresses the imperative of reinvigorating the political process to provide a framework for any action taken to address security in the camps and the repatriation of Rwandan refugees to Rwanda. The framework should include a mechanism for sustaining a dialogue between the Government of Rwanda, refugee representatives and the United Nations.

“The Council considers that the options described in the report of the Secretary-General raise complex issues which require further elucidation. The Council requests the Secretary-General to consult potential troop contributors to assess their willingness to participate in a possible peace-keeping operation modelled along the lines described in paragraphs 18 to 25 of the report of the Secretary-General, namely to create secure areas within large camp sites, providing safe conditions for the refugees in those areas. The Council requests the Secretary-General to provide a detailed description of the objectives, rules of engagement and costs of such an operation as soon as possible. The Council further requests the Secretary-General to continue to explore as appropriate all possible means of addressing the problems in the camps. The Council will be giving further urgent consideration to this question in the light of the additional information it receives from the Secretary-General.

“The Council encourages the Secretary-General to assess the taking, on an interim basis, of initial measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts, from member Governments or through contract arrangements, to train and monitor the local security forces. The Council also requests the Secretary-General to consider what steps need to be taken to address the question of security in the refugee camps in the United Republic of Tanzania and Burundi. However, the Council is concerned that the use of local security forces without international involvement may not prove to be an effective approach to the security problems in the camps.

“The Council recognizes that, in the wake of the events that have overtaken Rwanda, the Government needs immediate and major financial assistance, particularly in the establishment of security conditions inside the country, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for all Rwandese.

“The Council notes the deployment of sixty human rights officers in the country and the steps taken by the United Nations Assistance Mission for Rwanda to promote the re-establishment of civil administration throughout the country and looks forward to full deployment. The Council



also welcomes the fact that procedures are being instituted, with the cooperation of the Government of Rwanda, to make operational the International Tribunal for Rwanda established by resolution 955 (1994) of 8 November 1994.

“The Council reminds Member States that, in accordance with its resolution 925 (1994) of 8 June 1994, the Secretary-General has established a trust fund which could serve as a useful conduit for contributions to meet the immediate needs of the Government of Rwanda. It calls upon the international community to provide the resources needed for the Rwanda Emergency Normalization Plan, the forthcoming round-table meeting sponsored by the United Nations Development Programme and the consolidated inter-agency appeal.

“The Council welcomes the Secretary-General's intention to work with the Organization of African Unity to address the wider problems of the subregion.

“The Council notes that preparations are under way for convening at Bujumbura in the near future a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, sponsored by the Organization of African Unity and endorsed by the General Assembly in its resolution 49/7 of 25 October 1994. It also notes the Secretary-General's view that the United Nations and the Organization of African Unity should jointly convene at a later stage a broader conference to address a range of political and other issues, including national reconciliation, in order to identify long-term solutions to ensure peace, security and development in the subregion. Given the urgent need to take forward the political process as part of an overall strategy, including action on security in the camps and conditions inside Rwanda, the Council requests the Secretary-General to consider how preparations for this conference can be accelerated.

“The Council will remain seized of the matter.”

**Decision** of 30 November 1994 (3473rd meeting): resolution 965 (1994)

On 25 November 1994, pursuant to resolution 925 (1994), the Secretary-General submitted to the Council a progress report<sup>158</sup> on UNAMIR. The Secretary-General reported that the political situation in Rwanda had witnessed both positive and negative developments. The Broad-Based Government of National Unity continued to place emphasis on creating conditions that would allow the Rwandese refugees and displaced persons to safely return to their homes. It was concentrating its efforts on ensuring public security, restoring the civil administration and reconstructing the country's social and economic infrastructure. The Government had also publicly advocated the fair treatment of

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<sup>158</sup> S/1994/1344.

returning refugees, as well as reconciliation between all political groups. A further measure towards national reconciliation had been the incorporation of over 2,000 soldiers of the RGF into the Rwandese Patriotic Army. However, while the lack of financial resources had been a major factor in impeding activities towards national reconciliation, there were some reasons to believe that the Government could do more, even within its meagre resources, to ensure that all Rwandese were part of the political process aspects. On the humanitarian front, the Secretary-General reported that in several critical areas throughout the country, both returnee programmes and recovery activities continued to be hampered by the presence of land-mines. Efforts were underway to identify those areas and to intensify mine-awareness campaigns. The human rights field operations launched by the United Nations High Commissioner for Human Rights had established seven regional offices and 60 human rights officers had arrived in Rwanda. Their presence had had a positive effect on the communities where they were deployed. The Secretary-General said he was completing the practical arrangements for the effective functioning of the International Tribunal.

Furthermore, UNAMIR had reached its full authorized strength of 5,500 all ranks and continued to assist with refugees and populations at risk. At the request of the Government, UNAMIR had initiated a police training programme.

The Secretary-General noted that the situation in Rwanda remained critical and the country continued to face daunting problems. While he was encouraged by the Government's efforts, in cooperation with the international community, to stabilize the situation, new threats and challenges continued to emerge that might complicate further an already difficult situation and jeopardize the limited progress made thus far. In particular, the creeping militarization of the refugee camps had created a painful dilemma for the international community. The Secretary-General also underlined the importance of the efforts of the Governments in the region and of the OAU, both among themselves and in cooperation with the United Nations, to find durable solutions to the problems of Rwanda.

The Secretary-General recommended that the mandate of UNAMIR be extended for a further six months, until 9 June 1995. During that period, UNAMIR would continue its functions and strengthen its good offices role in order to facilitate more expeditious movement towards peace and national reconciliation. It would also continue to support existing efforts towards a regional approach to the problems created by the crisis in Rwanda. Such a regional approach should include the convening of an international conference to identify long-term solutions that would ensure peace, security and development in the subregion.

At its 3473rd meeting, on 30 November 1994, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution<sup>159</sup> prepared in the course of the Council's prior consultations.

The draft resolution was then put to the vote and adopted unanimously as resolution 965 (1994), which reads as follows:

*The Security Council,*

*Reaffirming* 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, and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, which set out the mandate of the Mission,

*Having considered* the progress report of the Secretary-General of 25 November 1994 on the Mission,

*Noting* the report of the Secretary-General of 18 November 1994 on security in the Rwandan refugee camps,

*Recalling* its resolution 955 (1994) of 8 November 1994 establishing the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994,

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<sup>159</sup> S/1994/1360.

*Stressing* the importance of achieving genuine reconciliation between all elements of Rwandan society within the frame of reference of the Arusha Peace Agreement,<sup>7</sup>

*Noting* the deployment of human rights officers to Rwanda by the United Nations High Commissioner for Human Rights in order to monitor the ongoing human rights situation, to help redress existing problems and prevent possible human rights violations from occurring, to help foster a climate of confidence and the establishment of a more secure environment and thus facilitate the return of refugees and displaced persons, and to implement programmes of technical cooperation in the field of human rights, particularly in the area of administration of justice,

*Noting also* that the widespread dispersal of land-mines is causing hardship to the civilian population and is hampering the return of refugees and displaced persons and other humanitarian relief efforts,

*Welcoming* the establishment by the Secretary-General of a trust fund, pursuant to resolution 925 (1994) of 8 June 1994,

1. *Decides* to extend the mandate of the United Nations Assistance Mission for Rwanda until 9 June 1995;

2. *Reaffirms* that the Mission will:

(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;

3. *Decides* to expand the mandate of the Mission to include the following additional responsibilities within the limits of the resources available to it:

(a) 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;

(b) Assist in the establishment and training of a new, integrated, national police force;

4. *Strongly urges* the Government of Rwanda to continue its cooperation with the Mission in the implementation of its mandate and in particular in ensuring unimpeded access to all

areas of Rwanda by Mission forces, personnel of the International Tribunal for Rwanda and human rights officers;

5. *Welcomes* the efforts of the Mission to increase its radio broadcasting capabilities so as to reach the refugee camps in neighbouring countries, and expresses the hope that it will soon be possible for the Government of Rwanda to conclude appropriate arrangements with the Mission in this regard, including the allocation of a radio frequency;

6. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and encourages them to continue and increase such assistance, particularly in Rwanda;

7. *Requests* the Secretary-General to make recommendations on possible steps that could be taken by the United Nations to promote the establishment of an effective mine-clearance programme in Rwanda;

8. *Calls upon* the international community to provide resources needed to meet the immediate needs of the Government of Rwanda directly or through the trust fund established pursuant to resolution 925 (1994);

9. *Requests* the Secretary-General, following the usual consultations, to inform the Council should he consider that the additional tasks set out in paragraph 3 above require consideration of an adjustment in the logistic and personnel requirements of the Mission;

10. *Decides* to keep under review the situation in Rwanda and the role played by the Mission and, to that end, requests the Secretary-General to report to the Council by 9 February 1995 and 9 April 1995 on the discharge by the Mission of its mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees;

11. *Commends* the efforts of the Secretary-General, his Special Representative and his Special Humanitarian Envoy to coordinate the United Nations response to the various aspects of the crisis in Rwanda;

12. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that the maintenance of UNAMIR in Rwanda was necessary to enable the country to regain stability. It was also an indispensable guarantee for the return of Rwandese refugees and their reintegration into their country. His delegation welcomed the deployment in the country of human rights observers, whose work should help restore trust among refugees who had already returned to Rwanda. He further stated that the national reconciliation of all Rwandese clearly did

not depend solely on financial resources provided to the Government of Rwanda and made reference in that regard to the Secretary-General's remark that while the lack of financial resources had been a major factor in impeding activities towards national reconciliation, there were some reasons to believe that the Government could do more, even within its meagre resources, to ensure that all Rwandese were part of the political process. Trust must be fully restored in Rwanda. It was also essential that the Council act promptly and take the necessary decisions to resolve the security question in the camps. The implementation of those two points – restoration of trust in Rwanda and security in the refugee camps – would make it possible for the international community to continue to commit itself fully to a settlement of the Rwandese crisis by promoting the repatriation of the refugees, which was an indispensable prelude to the reconciliation of all Rwandese.<sup>160</sup>

The representative of New Zealand noted that the presidential statement on the security situation in the camps outside Rwanda and the resolution renewing the mandate of UNAMIR for a further six months were two very important decisions which dealt with two critical and related matters. It was thoroughly appropriate that they had both been adopted on the same day and that they were the subject of distinct Council actions. New Zealand believed that UNAMIR continued to have a vital role to play in ensuring security for persons at risk in Rwanda and also in the process of national reconciliation and reconstruction in that country. UNAMIR's neutral and independent presence was crucial to creating the conditions of security which the returnees needed. International assistance in providing relief and in getting reconstruction efforts under way was also absolutely essential, and the protection that UNAMIR could provide to such operations was equally vital. His delegation shared the judgement of the Secretary-General that security would not be restored to the camps unless there was action to separate the genuine refugees from the influence of the political leaders and the military and paramilitary forces of the former Government. He noted that Council members had requested more information on the concept of operations for a separate peace-keeping force suggested by the Secretary-General and the likely availability of personnel before making a decision. In that regard,

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<sup>160</sup> S/PV.3473, pp. 3-4.

his delegation did not believe that private security firms could play a meaningful role in that job, adding that the financial, legal and jurisdictional issues that would arise would effectively make such a force not useful. His delegation also queried whether a peacekeeping force alone could do the kind of task to be performed in the camps, which was really a kind of police function and not a job for soldiers. It also seemed to his delegation that if the Prosecutor of the International Tribunal was to carry out investigations, he would need security and protection. Finally, he queried whether UNAMIR itself should be tasked with a military deterrent role, for doing so might undercut its impartiality in Rwanda among the very refugees who, on their return to Rwanda, would rely on UNAMIR for their protection.<sup>161</sup>

According to the representative of the United Kingdom, resolution 965 (1994) drew attention to another very important part of UNAMIR's mandate, namely, the exercise of its good offices to help achieve national reconciliation between all elements of Rwandan society. His delegation believed that without a political framework within which to address the key issues relating to national reconciliation, it would be impossible to create the conditions within Rwanda which would allow the refugees and displaced persons to return to their homes. The proposed regional conference could also play an important role in that context. However, his delegation recognized that, while it was clearly the responsibility of the Government of Rwanda to create those conditions, the Government of Rwanda did not have the resources to act alone and needed urgent and substantial assistance. He further noted that a solution to the appalling problems of Rwanda required action both within Rwanda and in the refugee camps outside its borders. His delegation would consider carefully any detailed proposals the Secretary-General may put forward to secure the camps. But any proposal for peacekeeping action put to the Council should be capable of being implemented smoothly and should, in principle, build on the cooperation with neighbouring States, particularly the Government of Zaire.<sup>162</sup>

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<sup>161</sup> *Ibid.*, pp. 4-5.

<sup>162</sup> *Ibid.*, p. 5.

According to the representative of China, the adoption of resolution 965 (1994) had demonstrated the support of the international community, and the Security Council in particular, for UNAMIR to further its efforts of good offices to help achieve national reconciliation in Rwanda at an early date. It had also emphasized that the international community should further support the Rwandese Government and encourage it to play a fuller role in creating the necessary conditions for the return of refugees. Although his delegation had voted in favour of the resolution, he wanted to make it clear that it had reservations about the elements in the resolution concerning human rights officers. While China agreed that UNAMIR should do its best to protect United Nations personnel in Rwanda, it had always held that United Nations agencies should carry out their duties respectively according to the mandates entrusted to them by the Charter and that therefore the Council should refrain from involving itself in what essentially fell within the terms of reference of other agencies.<sup>163</sup>

Commenting on his Government's achievements, the representative of Rwanda stated that its main task was to address the issue of national reconciliation within the framework of the implementation of the Arusha Peace Agreement. At the political level, all the elements of Rwandese society had been integrated into the various national institutions, with the exception of the elements implicated in genocide and other massacres, and more than 2,000 soldiers of the former Rwandese governmental forces had been incorporated into the Rwandese Patriotic Army. Moreover, the Government had established a territorial administration that sought to promote national reconciliation. The National Assembly, which had been recently established, included all the political parties of the country, except one, including the parties of the army. Turning to economic, administrative and social aspects, he noted that various obstacles had been placed in the path of his Government's efforts, preventing it from achieving results. The lack of adequate personnel and resources explained why his Government was not able to implement its policy of national reconciliation and reconstruction. Bilateral and multilateral aid was needed to enable his Government to live up to the expectations of

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<sup>163</sup> *Ibid.*, p. 6.



national and international opinion *vis-à-vis* national reconciliation, the restoration of total peace, and the reconstruction and socio-economic development of Rwanda. It was highly regrettable in that regard that some countries were having recourse to impediments at their disposal to deprive Rwanda of the massive external assistance it needed. He concluded by stating that his delegation voted in favour of resolution 965 (1994) to show his Government's support for the work of UNAMIR. But he stressed that the national priority was more national reconstruction, and less and less soldiers and weapons.<sup>164</sup>

The representative of the United States stated that because the situation in Rwanda had changed since the Council had last extended UNAMIR's mandate, it was necessary in resolution 965 (1994) to clarify that mandate. She noted that the mandate was originally designed before the establishment of the International Tribunal for Rwanda and before human rights monitors were deployed by the United Nations High Commissioner for Human Rights. The renewed mandate therefore made it clear that human rights monitors and Tribunal personnel were entitled to protection. Her delegation did not believe that additional UNAMIR personnel would be required to carry out such protection functions, which UNAMIR had already begun to perform. It was important that UNAMIR provide security for all the Tribunal's personnel, as well as for their premises, to ensure that they could carry out their work effectively and free from fear for their personal safety. Her delegation believed that UNAMIR could carry out its responsibilities within existing resources. If the Secretary-General determined that additional resources might be necessary at some time in the future, he should inform the Council, which could then consider whether to authorize additional resources.<sup>165</sup>

**Decision** of 15 December 1994 (3481st meeting): Adjournment

At its 3481st meeting, on 15 December 1994, the Council resumed its consideration of the item. The President (Rwanda), in accordance with rule 20 of the Council's

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<sup>164</sup> *Ibid.*, pp. 9-10,

<sup>165</sup> *Ibid.*, p. 10.

provisional rules of procedure<sup>166</sup> and bearing in mind the presidential statement<sup>167</sup> of 16 September 1994, invited the representative of Argentina to take the chair for the purpose of the consideration of the item on the agenda.

The representative of Rwanda contended that the criminal elements in the refugee camps in the countries neighbouring Rwanda enjoyed support and were strengthened by international assistance directed to them almost blindly because of inconsistent policies and the violation of laws and rules governing some United Nations bodies, such as the United Nations High Commissioner for Refugees (UNHCR), with regard to who was a refugee and who was not. The criminals had again started to intimidate and kill ordinary, innocent people. His Government believed that the criminal groups could be disarmed decisively and relocated to places where they could not pose an immediate security threat to Rwanda, and appealed to the international community, within the framework of the United Nations, to assist Zaire in dealing with that problem. He also stated that the role of UNAMIR was certainly appreciated, which was why his Government had favoured the renewal of its mandate. He stressed that his Government had done what it could to meet the immediate needs of the population, but did not have adequate means to do so and to put into practice its principles of good governance based on justice for all Rwandese. It appealed to the international community to shoulder its responsibility to assist the Government in helping Rwandese to help themselves. He concluded by stating that peace and stability in Rwanda and in the region depended upon what the international community could do and how swiftly it could do it.<sup>168</sup>

**Decision** of 10 February 1995 (3500th meeting): statement by the President and letter from the President

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<sup>166</sup> See also Chapter I of the present Supplement .

<sup>167</sup> S/PRST/1994/55.

<sup>168</sup> S/PV.3481, pp. 2-3.

On 25 January 1995, pursuant to the presidential statement<sup>169</sup> of 30 November 1994, the Secretary-General submitted to the Council his second report<sup>170</sup> on security in the Rwandese refugee camps. The Secretary-General noted that while there had been some positive developments since his last report in respect of the creation of conditions conducive to repatriation, the continuing presence of nearly 2 million Rwandese refugees in Burundi, the United Republic of Tanzania and Zaire was a matter of serious concern. The general security situation in the camps remained dangerous for both refugees and relief workers. The situation was also potentially destabilizing for the host countries and for the subregion as a whole. The only effective solution to that problem remained the safe and voluntary repatriation of refugees. The Government of Rwanda had signed tripartite agreements with UNHCR and the Governments of Burundi and Zaire respectively on the voluntary repatriation of refugees and was involved in an ongoing dialogue with the Government of Tanzania on that issue. The Secretary-General had dispatched a technical mission to Rwanda, the United Republic of Tanzania and Zaire from 11 to 19 December 1994 to review the situation prevailing in the camps. The mission had confirmed the feasibility of a peace-keeping operation along the lines described in the Secretary-General's report of 18 November 1994, but had considered that the operation would require more than the originally estimated 3,000 to 5,000 troops. The Secretary-General stated, however, that only one country had offered troops and that, in those circumstances, the option of deploying a peace-keeping force to address the security issues in the refugee camps in Zaire was not feasible. Following the presidential statement of 30 November 1994, the Secretary-General had explored alternative measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts to train and monitor the local security forces. Neither option appeared feasible, at least at the moment. After consultations with the UNHCR, it had been decided that that office would follow up with Zaire to conclude appropriate arrangements to enhance security in the camps.

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<sup>169</sup> S/PRST/1994/75.

<sup>170</sup> S/1995/65.

The Secretary-General observed that peace-keeping was essentially an instrument for conflict management and resolution. It was not designed and had not generally been used to ensure security in refugee camps. Indeed, it had traditionally been the responsibility of the host countries to provide security to the refugees located on their territory, albeit with an appropriate level of support from the international community. There was no doubt, however, that the innocent civilians who fled Rwanda deserved the continued attention and assistance of the international community. The Secretary-General therefore strongly urged the international community to support the efforts of UNHCR, in cooperation with the Governments of Zaire and Tanzania, to put in place satisfactory security arrangements in the camps and to provide generously the resources required for that purpose. Strengthening security in the camps was an indispensable step for creating conditions conducive to the voluntary repatriation of the refugees. The Secretary-General further noted that the summit meeting of the leaders in the subregion, held at Nairobi on 7 January 1995, had usefully contributed towards defining a framework to address security in the camps and repatriation of the refugees. In his view, it should facilitate the work to be undertaken during the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region to be hosted by the OAU and the UNHCR at Bujumbura in mid-February. He hoped that the Conference would open the way to the holding of a broader conference aimed at identifying long-term solution to promote and ensure peace, security and development in the subregion.

By a letter<sup>171</sup> dated 1 February 1995, the Secretary-General informed the President of the Council that on 27 January 1995, Zaire and the UNHCR had signed an aide-mémoire outlining specific measures to improve the security situation in the refugee camps. Under that agreement, the Government of Zaire would deploy 1,500 military and police security personnel to the camps. In accordance with its mandate, UNAMIR would assist in escorting the repatriated refugees to their home communities and would coordinate with the UNHCR to facilitate the repatriation process. The Secretary-General's Special

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<sup>171</sup> S/1995/127.

Representative would continue to have overall responsibility for all matters relating to UN efforts to assist in the restoration of peace and stability in Rwanda.

At its 3500th meeting, on 10 February 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Botswana) drew the attention of the members of the Council to the above letter and to a letter<sup>172</sup> dated 1 February 1995 addressed to the President of the Council from the representative of Rwanda. He then stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>173</sup> on behalf of the Council:

“The Security Council has considered the second report of the Secretary-General dated 25 January 1995 on the security in the Rwandese refugee camps, particularly those located in Zaire and his letter dated 1 February 1995 on this subject.

“The Security Council agrees with the Secretary-General's assessment that the present situation in many of the refugee camps remains dangerous for both refugees and relief workers and that the situation is also potentially destabilizing for the subregion as a whole. It is gravely concerned at reports of continuing intimidation and security problems in the camps, particularly in Zaire and reaffirms its condemnation of actions of former Rwandese leaders living in the camps, and of former government forces and militias to prevent, in some cases by force, the repatriation of the refugees. It also remains concerned at the security threat to international relief workers. It welcomes the steps taken by some of the host countries concerned to improve the security situation in the camps. The Council remains concerned at the obstacles posed by the former civil and military authorities and militias to effective local administration by the host countries and the discharge by UNHCR of its mission.

“The Security Council attaches great importance to the earliest possible action to address the security problems in the camps. In this context it welcomes the decision that UNHCR, under its refugee protection and humanitarian assistance mandate, conclude appropriate arrangements with the Government of Zaire to enhance security in the camps. It welcomes the agreement between UNHCR and the Government of Zaire of 27 January 1995 to deploy 1,500 Zairian security forces and a UNHCR liaison group. It also welcomes the agreement reached between the Governments of Zaire and Rwanda on the return of refugees and property and urges its full implementation. The Security Council urges Member States to provide UNHCR with the resources needed in the context of the agreement concluded between it and the Government of Zaire. It stresses the importance of close coordination of all operations with UNAMIR. The Council endorses the efforts of UNHCR,

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<sup>172</sup> S/1995/103.

<sup>173</sup> S/PRST/1995/7.

in cooperation with the United Republic of Tanzania, to put in place security arrangements in the Tanzanian camps, and encourages UNHCR also to address the situation in Burundi. The Council requests the Secretary-General to report to it on a regular basis on the implementation of operations carried out by UNHCR.

“The Security Council stresses the importance of ensuring that accurate information about the situation inside Rwanda is disseminated to the camps. In this respect, it reaffirms the importance of UNAMIR Radio commencing its broadcasts as soon as possible.

“The Security Council encourages efforts to provide security in the camps and notes that they have to be accompanied by further efforts in Rwanda to ensure that refugees can return to their homes without fear of retribution or persecution. In this regard it acknowledges the achievements of the Government of Rwanda, despite the difficulty of the task and the lack of resources. It encourages the Government of Rwanda to continue to provide a framework for the action to be taken to repatriate the refugees, to promote national reconciliation, and to reinvigorate the political process and calls upon the international community to continue to support the Government of Rwanda in its task. The Council reaffirms its view that such a framework should also include an appropriate mechanism for sustaining a dialogue between the Government of Rwanda, the refugee community and the United Nations. It welcomes the conclusions of the summit meeting of leaders in the subregion, held in Nairobi on 7 January 1995. The Council encourages the International Tribunal for Rwanda established in resolution 955 (1994) in its work, as well as efforts to rebuild the local Rwandese judicial system to facilitate the maintenance of law and order. The Council welcomes the commitments made at the recent Round-table Conference on Rwanda and in response to the consolidated inter-agency appeal that will assist the Government of Rwanda in its efforts to rebuild the country and to promote national reconciliation.

“The Security Council looks forward to the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, to be hosted by the Organization of African Unity (OAU) and UNHCR in Bujumbura from 15 to 17 February 1995. The Council expresses the hope that this conference will lead to further progress in creating the conditions necessary for the refugees and displaced persons to return to their homes and that it will facilitate the identification of long-term solutions to promote and ensure peace, security and development in the subregion, those issues to be the subject-matter of a further and broader conference of a political nature.

“The Security Council underlines that the presence of the refugee camps should only be temporary and that the return of the refugees to their homes in Rwanda remains the ultimate goal. It requests the Secretary-General to continue his exploration of all options and to make any further recommendations necessary for ensuring security in the camps as soon as possible and to submit a further report on this subject in the light of the outcome of the conference in Bujumbura.

“The Security Council will remain seized of the matter and will keep it under close review.”

On 6 February 1995, pursuant to resolution 965 (1994), the Secretary-General submitted to the Council a progress report<sup>174</sup> on UNAMIR. The Secretary-General reported that while progress continued to be made in normalizing the situation in Rwanda, many challenges remained. The Government of Rwanda had continued to take steps towards national reconciliation and reconstruction but for the most part lacked the resources to run an effective public administration. Rwanda's court system did not function, its prisons were overcrowded and thousands of suspects were still awaiting trial. The security situation continued to be a matter of serious concern with reports of summary executions, secret detention, torture and other violent acts against civilians. The humanitarian situation remained worrying and fears of reprisals continue to exist among refugees. The Secretary-General reiterated in that regard his conviction that the dissemination of factual information was a vital tool in creating conditions for refugees and internally displaced persons to decide freely to return to their homes. He indicated that UNAMIR, which had, on 14 January 1995, signed an agreement with the Government to establish a United Nations radio in Kigali, was still awaiting the Government's response to its request for the allocation of a frequency and authorization for the installation of radio transmitters. With regard to the establishment of an effective mine-clearance programme in Rwanda, the Secretary-General informed the Council that a comprehensive plan had been proposed to the Government.

The Secretary-General reported that UNAMIR had adjusted its *modus operandi* in order to fulfill, within existing resources, its expanded mandate of providing security for personnel of the International Tribunal and the human rights officers. However, as the UNAMIR troop strength was gradually reduced to its authorized level of 5,500, difficulties could arise in fulfilling effectively the various aspects of the mandate. The issue of UNAMIR's force strength might, therefore, have to be revisited in the coming months. The Secretary-General further noted that in order to meet its expanding functions under resolution 965 (1994), the civilian police component of UNAMIR required additional

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<sup>174</sup> S/1995/107.

observers and material resources. He therefore recommended that the Council raise the authorized strength of UNAMIR's civilian police component from 90 to 120 observers. On the humanitarian aspects, the Secretary-General reported that although the emergency had abated, the humanitarian situation remained worrying overall. There were still some 2 million refugees sheltered in camps in the neighbouring countries and some 350,000 others were internally displaced. As soon as its consent was received, the United Nations would begin to implement the plan.

In a letter<sup>175</sup> dated 10 February 1995, the President of the Council informed the Secretary-General of the following:

“The members of the Security Council have considered your progress report on the United Nations Assistance Mission for Rwanda (UNAMIR). They draw attention to the statement by the President of the Security Council of 10 February 1995. They agree with your recommendation that the strength of the civilian police component of UNAMIR should be increased from 90 to 120 police observers. They believe that an increase in the number of human rights officers in the Human Rights Field Operation in Rwanda is desirable. They also note that a functioning judicial system is essential in the government recovery programme for the establishment of internal security, and also for the return of the refugees. They attach importance to the establishment of an effective mine-clearance programme in Rwanda on the basis of the plan submitted by the United Nations in Kigali. They express their hope that the difficulties affecting the UNAMIR radio station will soon be overcome and they insist that it commence broadcasting without delay.”

**Decision** of 22 February 1995 (3502nd meeting): resolution 977 (1995)

On 13 February 1995, pursuant to resolution 955 (1994), the Secretary-General submitted to the Council a report<sup>176</sup> on the establishment of the International Tribunal for Rwanda. The report contained an analysis of the legal basis for the establishment of the Tribunal and its legal status, a succinct review of the main provisions of the Statute of the Tribunal where they differed from the provisions of the Statute of the International Tribunal for the former Yugoslavia, an outline of the two-stage approach to the

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<sup>175</sup> S/1995/130.

<sup>176</sup> S/1995/134.



establishment of the Tribunal and the practical arrangements made thus far for its functioning, and an examination of the various options for the location of the seat of the Tribunal in the light of the criteria set out in resolution 955 (1994). With regard to the legal basis of the Tribunal, the Secretary-General recalled that the Council, in its resolution 955 (1994), determined that the situation in Rwanda continued to constitute a threat to international peace and security and, accordingly, decided to establish the International Tribunal for Rwanda under Chapter VII of the Charter. He noted that the establishment of the Tribunal under Chapter VII, notwithstanding the request received from the Government of Rwanda, was necessary to ensure not only the cooperation of Rwanda throughout the life-span of the Tribunal, but the cooperation of all States in whose territory persons alleged to have committed serious violations of international humanitarian law and acts of genocide in Rwanda might be situated. A Tribunal based on a Chapter VII resolution was also necessary to ensure a speedy and expeditious method of establishing the Tribunal. On the question of the location of the seat of the Tribunal, the Secretary-General reported that he had decided to send a technical mission to Rwanda, Kenya and Tanzania with a view to identifying suitable premises for the seat of the Tribunal. On the basis of that mission's findings and given the positions of the Governments of those countries and having, in addition, examined the considerations of justice and fairness as well as administrative efficiency, as mandated by resolution 955 (1994), it was his conclusion that the choice of Rwanda as the location of the seat would not be feasible or appropriate and that Arusha, Tanzania, should be selected as the seat of the Tribunal. He therefore recommended to the Council that, subject to appropriate arrangements between the United Nations and the Government of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda.

At its 3502nd meeting, on 22 February 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution<sup>177</sup> prepared in the course of the Council's prior consultations.

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<sup>177</sup> S/1995/148.

Speaking before the vote, the representative of Rwanda recalled that one of the reasons that could have prompted his delegation to vote against resolution 955 (1994), which Rwanda itself had requested, was the question of the location of the seat of the Tribunal. The Tribunal should sit in Rwanda given that it was a tribunal for judging Rwandans. For practical reasons, his delegation believed that shifting the seat of the Tribunal away from Rwanda would entail mobilizing immense resources to ensure that the guilty were there to be tried and for travel and subsistence costs for witnesses and plaintiffs. His delegation would have preferred the seat of the Tribunal to be in Rwanda, so that Rwandans could see justice done. Within the framework of cooperation with the Tribunal, however, his Government was not opposed to it being located in a neighbouring country in order to minimize the effects of its being outside the country. His delegation shared the concern expressed by the Secretary-General about the justice and fairness which the Tribunal needed. Nevertheless, the fact that that argument had been used in favour of relocating the Tribunal outside Rwanda did not mean that his delegation agreed with it in any way. He added that the concern for justice in Rwanda shown by the Council implied that serious thought must be given to support for the Rwandan courts competent to supplement the work of the Tribunal.<sup>178</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 977 (1995), which reads as follows:

*The Security Council,*

*Recalling* its resolution 955 (1994) of 8 November 1994,

*Having regard* to its decision contained in paragraph 6 of resolution 955 (1994) that the seat of the International Tribunal for Rwanda shall be determined by the Council,

*Having considered* the report of the Secretary-General dated 13 February 1995 and *noting* the recommendation of the Secretary-General that, subject to appropriate arrangements between the

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<sup>178</sup> S/PV.3502, pp. 2-3.

United Nations and the Government of the United Republic of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda,

*Noting* the willingness of the Government of Rwanda to cooperate with the Tribunal,

*Decides* that, subject to the conclusion of appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania, the International Tribunal for Rwanda shall have its seat at Arusha.

**Decision** of 27 February 1995 (3504th meeting): resolution 978 (1995)

At its 3504th meeting, on 27 February 1995, the Security Council resumed its consideration of the item. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution<sup>179</sup> submitted by the United States.

Speaking before the vote, the representative of China stated that while the Rwandese people had to rely mainly on their own strength to gradually achieve national reconciliation, they also needed encouragement and assistance from the international community, including the Security Council. He stressed that all outside efforts and assistance should contribute to political and social stability in Rwanda, and must follow the principles of respect for State sovereignty and non-interference in others' internal affairs, as set forth in the Charter, and must be based on the necessary condition of the consent and cooperation of the Rwandese Government.<sup>180</sup>

According to the representative of the United States, it was important that persons suspected of having committed genocide in Rwanda or in States neighbouring Rwanda should be detained until the International Tribunal for Rwanda could investigate and make decisions about prosecution. Their detention would be a tangible sign of the international commitment to holding individuals accountable for such atrocities and would thus improve

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<sup>179</sup> S/1995/153.

<sup>180</sup> S/PV.3504, p. 2.

prospects for reconciliation in Rwanda. It would also enhance the credibility of the International Tribunal. He stressed, first, that the draft resolution underscored the objective of the International Tribunal. If the Tribunal was to contribute to terminating the impunity with which atrocities were committed in Rwanda in the past, it was necessary that it be able to take custody of those who committed such acts. Secondly, the draft resolution sought to ameliorate the situation in the refugee camps and to facilitate the return of the refugees. The draft resolution was thus a step in a process, which built on previous resolutions and provided further evidence of the Council's commitment to continue to move that process along.<sup>181</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 978 (1995), which reads as follows:

*The Security Council,*

*Recalling* all its previous resolutions on the situation in Rwanda, in particular its resolutions 935 (1994) and 955 (1994),

*Expressing once again* its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

*Noting* that these reports were confirmed in the final report of the Commission of Experts submitted pursuant to resolution 935 (1994),<sup>182</sup>

*Recalling* the obligations contained in resolution 955 (1994), which created the International Tribunal for Rwanda,

*Concerned* by the conditions in the refugee camps outside Rwanda, including reports of violence directed against refugees who voluntarily wish to return to Rwanda,

*Determined* to put an end to violations of international humanitarian law and serious acts of violence directed against refugees, and that effective measures be taken to bring to justice the persons who are responsible for such crimes,

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<sup>181</sup> *Ibid.*, pp. 2-3.

<sup>182</sup> S/1994/1405, Annex.

*Noting* the reports of the Secretary-General on security in the Rwandese refugee camps of 18 November 1994 and 25 January 1995,

*Welcoming* the report of the Secretary-General (S/1995/134) dated 13 February 1995 and *stressing* the importance of taking all measures for the early and effective functioning of the International Tribunal for Rwanda,

*Stressing* the need for States to take as soon as possible any measures necessary under their domestic law to implement the provisions of resolution 955 (1994) and of the Statute of the International Tribunal for Rwanda,

1. *Urges* States to arrest and detain, in accordance with their national law and relevant standards of international law, pending prosecution by the International Tribunal for Rwanda or by the appropriate national authorities, persons found within their territory against whom there is sufficient evidence that they were responsible for acts within the jurisdiction of the International Tribunal for Rwanda;

2. *Urges* States who detain persons referred to in paragraph 1 above to inform the Secretary-General and the Prosecutor of the International Tribunal for Rwanda of the identity of the persons detained, the nature of the crimes believed to have been committed, the evidence providing probable cause for the detentions, the date when the persons were detained and the place of detention;

3. *Urges* States who detain such persons to cooperate with representatives of the International Committee of the Red Cross, as well as investigators for the International Tribunal for Rwanda, in order to secure unimpeded access to those persons;

4. *Condemns* all attacks against persons in the refugee camps near the borders of Rwanda, *demands* that such attacks immediately cease, and *calls upon* States to take appropriate steps to prevent such attacks;

5. *Urges* States, on whose territory serious acts of violence in the refugee camps have taken place, to arrest and detain, in accordance with their national law and relevant standards of international law, and submit to the appropriate authorities for the purpose of prosecution persons against whom there is sufficient evidence that they have incited or participated in such acts and further urges the States concerned to keep the Secretary-General informed of the measures they have taken to this effect;

6. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that resolution 978 (1995) might be useful inasmuch as it constituted a political message to all States and, in particular, those neighbouring Rwanda, that they should consider detaining those who had committed

genocide and other individuals who had carried out criminal acts in and around the camps. Nevertheless, his delegation felt that adopting a resolution was never the right way to send such a message. Rather, the priority was that the International Tribunal should start work as soon as possible. Once the judges were elected and the rules of procedure adopted, it would be possible for all States that needed to do so to adopt the necessary domestic legislation to enable them to cooperate fully with the Tribunal. Until that time, arrest and detention measures were quite simply impossible in law in many States. That was why a resolution under Chapter VII requiring all States immediately to detain the suspects they had in their territory would have been absolutely out of the question. The most appropriate legal formula would have been a presidential statement calling for the Tribunal to start work soon and for States to take any measures that might be needed to adapt their criminal law, and only then requesting States to make the necessary arrests and detain people. Nevertheless, a presidential statement would have presupposed a consensus among members of the Council, which it had not been possible to achieve. He noted that resolution 978 (1995), in its final version, made no mention of Chapter VII of the Charter, addressed requests to States that were not binding in nature and specified that any detentions would be effected in accordance with their national law – which meant that only those States that had domestic legislation enabling them to act along the requested lines would be able to do so, as the resolution could not serve by itself alone as a legal basis for arresting anyone. Also, the two categories of acts – those that fell within the competence of the Tribunal and others, i.e., serious acts of violence in the camps – were clearly distinguished in the text and treated separately. By limiting instances of impunity, the resolution also contributed to the return of the rule of law in Rwanda. He noted, furthermore, that the international community was following very closely any initiatives taken by the Council in the field of international criminal law. Council members should therefore be vigilant and see to it that respect for individual freedoms in criminal legal proceedings was properly ensured under the decisions recommended by the Council.<sup>183</sup>

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<sup>183</sup> *Ibid.*, pp. 3-4.

The representative of Rwanda stated that resolution 978 (1995) was of great importance for Rwanda and its people, for those who committed genocide and other crimes against humanity in Rwanda had held sway in the country for three and a half decades and committed several waves of massacres with impunity, since they were carrying out Government policy. It would also make it possible to protect refugees and other citizens of Rwandese origin living in neighbouring countries. The resolution could also play a preventive role because, if the perpetrators of such crimes were not arrested, their actions were likely to set the subregion ablaze. In the context of preventive diplomacy, he reminded the Council that Rwandese and other criminals were busy training in the countries of the subregion, with the assistance and support of friendly countries, with a view to attacking Rwanda. Should that information turn out to be true, his delegation urged the Council to check and find an appropriate solution before it was too late. He noted further that resolution 978 (1995) sent a clear and firm message to other political and ethnic organizations that might be tempted to repeat what had happened in Rwanda, and told them that their actions would not go unpunished. That was why his delegation had wanted the resolution to be much stronger and much more binding than it was; it did not escape unscathed from the process of making it acceptable for adoption. In conclusion, his delegation asked the Council to ensure that Rwanda's internal security was assured so that the same criminals could not take advantage of the arms embargo against Rwanda to disturb the peace in the country. If Rwanda was to be responsible for its own security and internal peace, the Council must ditch some of the provisions that were no longer warranted from its previous resolutions.<sup>184</sup>

**Decision** of 27 April 1995 (3526th meeting): statement by the President

On 9 April 1995, pursuant to resolution 965 (1994), the Secretary-General submitted to the Council a progress report<sup>185</sup> on UNAMIR. The Secretary-General reported that since the new Government of Rwanda had assumed office, the overall situation in the country had improved considerably. However, over the past two months, tensions and

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<sup>184</sup> *Ibid.*, pp. 4-5.

<sup>185</sup> S/1995/297.

frustrations had surfaced and the security situation in the country had deteriorated. Those developments had contributed to a considerable decline in the repatriation of refugees from Zaire, Tanzania and Burundi. There were also reports of military training and arms build-up by elements of the armed forces of the former Rwandese Government in neighbouring countries. The worsening security situation had strained relations between UNAMIR and the Rwandese Patriotic Army, which had frequently restricted the movement of UNAMIR personnel. That had affected UNAMIR's ability to discharge its mandated tasks fully and effectively. The relationship between UNAMIR and the RPA had been discussed by the Secretary-General's Special Representative with the President and the Vice-President of Rwanda. Both had reaffirmed their support for UNAMIR. They had also felt that, at an appropriate time, UNAMIR's mandate and its possible phase-out from Rwanda should be discussed. Recalling that UNAMIR's mandate would expire on 9 June 1995, he indicated that he had requested his Special Representative to consider, in consultation with the Government, adjustments which could be made to the mandate.

The Secretary-General urged the Government of Rwanda to make more determined efforts to foster a climate of trust and confidence and to create conditions that would encourage refugees and displaced persons not suspected of involvement in the genocide to believe that they could return to their homes in safety. At the same time, steps must be taken to bring to trial, at the earliest opportunity, those who were guilty of genocide. The Secretary-General hoped that Member States would take the necessary follow-up action and help ensure that the International Tribunal for Rwanda became operational as soon as possible. The need for such steps was underlined by the recent disturbing reports of military training and an arms build-up by elements of the armed forces of the former Government of Rwanda in neighbouring countries. The Governments on whose territory such activities might be taking place must ensure that their countries did not become bases for incursions into Rwanda.

The Secretary-General also urged donors to do all they could to accelerate the flow of aid to Rwanda, noting that Member States might wish to consider channelling funds



through the Trust Fund for Rwanda. The Secretary-General further stated that the increasing harassment of United Nations and international staff serving in Rwanda was another source of serious concern. He urged the Government of Rwanda to extend to UNAMIR the necessary cooperation without which the Mission would not be able to carry out its mandate and the international community would find it more difficult to respond to Rwanda's rehabilitation needs. He also reminded the Government of its responsibility for the safety and security of all UNAMIR personnel, as well as for ensuring that their freedom of movement and access throughout the country was respected. Finally, he stated his intention to carry out necessary consultations with States of the region with a view to determining the type of assistance they might require regarding the organization of an international conference on security, stability and peace in the region.

On 14 April 1995, pursuant to the presidential statement of 10 February 1995, the Secretary-General submitted to the Council his third report<sup>186</sup> on security in the Rwandese refugee camps. The Secretary-General reported that the OAU/UNHCR Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, adopted a plan of action with a primary focus on voluntary repatriation as the preferred durable solution to the refugee problem. To achieve that goal, it had underscored the roles to be played by the countries of origin, the countries of asylum and the international community, and outlined specific measures to be taken in that regard. The Conference had further expressed the hope that a broader United Nations conference on peace, security and stability, as called for by the Council, would soon be held. Consultations on the holding of such a conference were continuing. The Secretary-General was, however, concerned that recent developments, such as the closure of borders and attacks on refugee camps, were in blatant disregard of the agreement reached at Bujumbura, and appealed to all States to act in accordance with the recommendations of the Conference.

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<sup>186</sup> S/1995/304.

He further observed that both the Government of Rwanda and the international community were seriously concerned by persistent reports about arms shipments into Goma airport, allegedly for arming the former Rwandese government forces, as well as about the training of those forces on Zairian territory. Such allegations, which had been rejected by the representative of Zaire, prompted the Minister for Foreign Affairs of Zaire to request that an independent commission of inquiry be established to investigate and report on the matter. The Secretary-General therefore intended to hold consultations with the Governments of the countries concerned, as well as with the OAU, on measures to respond to that request.

The deployment of the Zairian Camp Security Contingent and the Civilian Security Liaison Group in the refugee camps had thus far had a positive effect. The Secretary-General stressed, however, that the improvement of security conditions in the camps was not enough to ensure the voluntary repatriation of all the refugees. Reports about numerous arrests and the overcrowded prisons in Rwanda had raised fears among the refugees and hindered the process of voluntary repatriation, a situation which had resulted in the decline in the number of returnees. Rebuilding the Rwandese justice system remained, therefore, an important factor in contributing to the creation of conditions conducive to the return of refugees, and efforts by the Government of Rwanda in that direction should be supported. Ultimately, voluntary repatriation would depend on the efforts of the Rwandese Government to promote genuine national reconciliation among all segments of Rwandese society and to ensure that refugees could return to their communities without fear of persecution.

At its 3526th meeting, on 27 April 1995, the Council included the reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Czech Republic) drew the attention of the members of the Council to a letter<sup>187</sup> dated 13 April 1995 addressed to the President of the Council from the representative of Rwanda.

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<sup>187</sup> S/1995/310.

The President then stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>188</sup> on behalf of the Council:

“The Security Council has considered the Secretary-General's progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) and his third report on security in the Rwandese refugee camps, as well as the oral briefings from the Secretariat on the tragic events on 22 April 1995 at the Kibeho camp for internally displaced persons.

“The Security Council condemns the killing of numerous civilians in the camp and is encouraged by the decision of the Government of Rwanda to carry out a full investigation of these events without delay and to bring to justice those responsible. In this regard it welcomes the decision of the Rwandese authorities to establish an independent inquiry with United Nations and other international participation to carry out this investigation of the events. The Council also requests the Secretary-General to report to it, without delay, on these events and on the role of UNAMIR.

“The Security Council is concerned by the generally deteriorating security situation in Rwanda. It underlines that the Government of Rwanda bears primary responsibility for maintaining security throughout the country and for the safety of internally displaced persons and returnees, as well as for ensuring respect for their basic human rights. In this context it reaffirms the need for coordination between the Government of Rwanda and UNAMIR and other agencies on these matters. The Council does, however, note with satisfaction that the Government of Rwanda has in previous months made considerable efforts directed at national reconciliation, rehabilitation and reconstruction, which are of crucial importance. The Council calls on the Government of Rwanda to intensify these efforts and on the international community to continue to support those efforts, in order to bring about a climate of trust and confidence which would assist in the early and safe return of refugees. In this context, it underlines the importance it attaches to demining, including the United Nations proposal.

“The Security Council notes with deep concern disturbing reports of increased incursions into Rwanda from neighbouring countries, allegations of arms shipments into the Goma airport and of elements of the former Rwandese Government forces being trained in a neighbouring country. It calls upon all States, especially those neighbouring Rwanda, to refrain from any action that would further exacerbate the security situation in that country and to prevent incursions into Rwanda from their own territories. The Council invites States and organizations which have information on the transport of arms into countries neighbouring Rwanda for the purpose of their use in Rwanda in contravention of resolution 918 (1994) to pass that information to the Committee established under resolution 918 (1994) and requests the Committee to consider that information as a matter of urgency and to report thereon to the Security Council.

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<sup>188</sup> S/PRST/1995/22.

“The Security Council notes with satisfaction that the deployment of the Zairian Camp Security Contingent and the Civilian Security Liaison Group has had a positive effect on the security situation in refugee camps in Zaire.

“The Security Council pays tribute to all members of UNAMIR. It reaffirms that UNAMIR constitutes one essential factor for creating a climate of confidence and for promoting stability and security. In this context, it underlines the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country. It urges the Rwandese authorities to proceed with the exchange of letters supplementing the agreement on the status of UNAMIR and its personnel, reflecting the changes in UNAMIR's mandate following from Security Council resolution 918 (1994). The Council calls for increased cooperation and collaboration between the Government of Rwanda, its neighbouring countries and UNAMIR as well as other agencies, including in the humanitarian field.

“The Security Council expresses grave concern at the situation created by the overcrowded prisons in Rwanda which has resulted in the death of numerous persons in custody and requests the Secretary-General to consider urgently measures which could be taken quickly in conjunction with the Government of Rwanda and humanitarian agencies to improve the conditions of those in detention or under investigation. The Council emphasizes that the development of the Rwandese justice system continues to be an important factor in creating conditions of security, law and order, conducive to the return of refugees from abroad and of displaced persons to their homes. The Council calls on the international community to assist the Government of Rwanda in re-establishing the justice system as a contribution to confidence-building and the maintenance of law and order.

“The Security Council expresses its appreciation for the action of those States which have arrested and detained persons following the adoption of resolution 978 (1995). It urges States, in accordance with that resolution, to arrest and detain persons against whom there is sufficient evidence of responsibility for acts within the jurisdiction of the International Tribunal for Rwanda. It requests the Secretary-General to facilitate the rapid establishment of the Tribunal.

“The Security Council requests the Government of Rwanda to facilitate the delivery and distribution of humanitarian assistance to refugees and displaced persons in need, in conformity with the principles and current practice of UNHCR. It invites States and donor agencies to deliver on their earlier commitments and to further increase their assistance. It urges all Governments in the region to keep their borders open for this purpose.

“The Security Council appeals to all States to act in accordance with recommendations adopted in the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region held in Bujumbura in February 1995, in order to contribute to facilitate the return of refugees. The Council welcomes the Dar-es-Salaam trilateral agreement of 12 April 1995, on the voluntary repatriation of Rwandese refugees from Tanzania.

“The Security Council reaffirms the view that an international conference would contribute substantially to peace and security in the subregion. It welcomes the intention of the

Secretary-General to carry out consultations with all concerned so that such a conference can be held at the earliest possible date.

“The Security Council will remain seized of the matter.”

**Decision** of 9 June 1995 (3542nd meeting): resolution 997 (1995)

On 4 June 1995, pursuant to resolution 965 (1995), the Secretary-General submitted to the Council a report<sup>189</sup> on UNAMIR. The Secretary-General reported that the country was largely at peace, and the long and arduous process of recovery had begun with the Government taking a number of positive actions. Nonetheless, the situation remained tense, with no significant advances in the process of national reconciliation, grossly overcrowded prisons, arbitrary arrests, tension over property rights and the lack of an effective judicial system. Causes of Rwanda’s tensions and frustrations included the military activities and reports of arms deliveries to elements of the former Rwandese government forces in neighbouring countries, which were sources of serious concern for the Government. It was concerned that no effective limitations were seen to be placed on military training of, and delivery of arms supplies to, elements of the former Rwandese government forces, while the arms embargo continued to apply to Rwanda. Another cause of deep frustration was the delay in bringing those responsible for the genocide to justice, both through the International Tribunal and at the national level. A third element of concern was the slow delivery of pledged economic assistance.

The Secretary-General further observed that while UNAMIR had made a significant contribution to the relative stability and normalization achieved in Rwanda over the last year, the complex political and security situation had led the Rwandese Government to raise questions about the future role of that operation. The Secretary-General recognized that the situation had changed radically since the establishment of the new Government of Rwanda and that the changes called for adjustments in the mandate of

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<sup>189</sup> S/1995/457.

UNAMIR, so that its role could reflect the new situation. He recalled that in anticipation of the expiry of UNAMIR's mandate on 9 June 1995, his Special Representative had engaged in extensive consultations with the Government of Rwanda on a new mandate. Under the proposed new mandate, UNAMIR would shift its focus from peace-keeping to confidence-building, undertaking tasks specifically required to sustain a United Nations peace-keeping presence in Rwanda, mainly in Kigali, and tasks aimed at assisting the Government of Rwanda in confidence-building and in the promotion of a climate conducive to stability and to the return of refugees and displaced persons. In order to carry out such functions, UNAMIR would require approximately 2,330 troops, 320 military observers and 65 civilian police. However, the Rwandan Government had proposed a different and more limited role for UNAMIR, arguing that the conditions on the ground called for a drastic reduction in the number of United Nations troops. It had taken the position that most of the peace-keeping functions so far discharged by UNAMIR had become redundant, and that the concept of promoting security and confidence through the presence of UNAMIR could no longer be accepted, since the Government had assumed responsibility for national security throughout the country. The protection of humanitarian convoys was also the responsibility of the Government, with UNAMIR playing a monitoring role only. On the issue of border monitoring, the Government considered that there was no need for UNAMIR to play such a role in Rwanda. In addition, it expressed the view that the training programme being carried out by the UNAMIR civilian police component should be replaced by bilateral arrangements and could continue only until those arrangements were in place. The Rwandan Government proposed that UNAMIR should be reduced to a maximum of 1,800 formed troops, to be deployed in Kigali as well as in the provinces. UNAMIR's mandate would be extended for six months, on the understanding that there would be no further extension and that steps to reduce UNAMIR troops outside Kigali should commence immediately. The Secretary-General cautioned, however, that, on the basis of that proposal, UNAMIR would not have the strength to perform adequately the tasks proposed above. While he understood the position of the Government of Rwanda, he was convinced that UNAMIR remained an essential component of the international community's efforts to assist the Government and people of

Rwanda and that it must have the capability to discharge its functions effectively. At the same time, since UNAMIR was a peace-keeping operation established under Chapter VI of the Charter, its continued presence in Rwanda depended on the consent and active cooperation of the Government. He therefore intended to continue consultations with the Government of Rwanda and would report orally to the Council on the outcome thereof. Subject to that report, he recommended that the Council renew the mandate of UNAMIR, adjusted to accommodate the tasks outlined above, for a period of six months, ending on 9 December 1995. Immediate steps should also be taken by the international community to support the earliest activation of the International Tribunal and the rehabilitation of the Rwandan national system of justice. At the same time, effective measures should be taken to ensure that Rwandan nationals in neighbouring countries were not allowed to receive arms supplies or to undertake military activities aimed at destabilizing Rwanda. The Secretary-General was, in particular, concerned that there could be a serious escalation in cross border clashes that would add a new dimension to the tragedy of Rwanda and lead to unpredictable consequences. He concluded by stressing that international assistance to Rwanda needed to be accelerated. It was essential that ways be found to improve the procedures that had delayed the disbursement of assistance to resolve situations that required priority attention. With respect to the long-term solution of the refugee and related problems in the Great Lakes States, he intended to appoint a special envoy to carry out consultations with countries concerned, as well as with the OAU, on the preparation and convening of the Regional Conference on Security, Stability and Development at the earliest possible time.

At its 3542nd meeting, on 9 June 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Zaire, at his request, to participate in the Council's discussion, without the right to vote. The President (Germany) drew the attention of the members of the Council to a letter<sup>190</sup> dated 19 May 1995 addressed to the President of the Council from the

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<sup>190</sup> S/1995/411.

Secretary-General. He also drew their attention to a draft resolution<sup>191</sup> prepared in the course of the Council's prior consultations and read out revisions to be made to the draft text in its provisional form.

The representative of Zaire expressed the hope that the provisions of paragraph 3 of the draft resolution, which called on UNAMIR to exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement and to assist the Rwandese Government in facilitating the return and reintegration of refugees, would be speedily implemented. He stated that those measures should be accompanied by a specific timetable for the speedy repatriation of the refugees still in camps in Zaire. His country could do no more in that regard and his Government appealed to the international community to help Rwanda to take back the half of its population now in Zairian territory. The Kigali authorities must get down to creating conditions that would make possible the speedy return of refugees to their homes. With reference to paragraph 6 of the draft resolution, he affirmed that Zaire was not an arms producer, much less an arms merchant. He reiterated the request made by the Foreign Minister of Zaire at the Bujumbura meeting for the creation of an independent commission of inquiry to establish the truth about alleged arms transfers across Zaire's borders. His Government committed itself to participating actively in the consultations that were to be conducted with the Secretary-General.<sup>192</sup>

Speaking before the vote, the representative of Nigeria noted that, in addition to some negative developments that had stalled the process of national reconciliation, there had also been increasing agitation against the international community in general, and the United Nations in particular for what was perceived by some in Rwanda, perhaps with some justification, as the abandonment of Rwanda in its time of greatest need during the genocide of the previous year and the subsequent inability of the international community to deliver on its promises to help the Government stand on its feet. His delegation had expressed its disquiet about the reported open hostility that had been shown to UNAMIR's

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<sup>191</sup> S/1995/465.

<sup>192</sup> S/PV.3542, p. 3.



personnel recently and believed that it was the responsibility of the Government of Rwanda to address that problem effectively. The Council must in turn address the serious issues of the militarization of the camps, the arms build-up and cross-border infiltration. His delegation viewed the measures spelled out in paragraphs 4, 5 and 6 of the draft resolution as a first step in that direction. He cautioned, however, that the Council might have to return to the matter and proffer more drastic measures for solving the problem, which, if not seriously and promptly addressed, could soon lead to an explosive situation that could engulf not only Rwanda but also some of the neighbouring countries. He further stated that there was no use asking the Government of Rwanda to create favourable conditions for the return of refugees if it did not have the means to do so. Rwanda's situation was one where some conditionalities might have to be waived, at least temporarily, to enable the Government to obtain such financial assistance in a timely fashion. Concerning UNAMIR, his delegation noted with satisfaction that an understanding had been reached between the Government of Rwanda and the United Nations on the appropriate force level that could carry out its tasks under an adjusted mandate. In its view, the new force level responded to the legitimate concern of a sovereign State to take charge of its own destiny, while taking cognizance of the imperatives of effective implementation of an agreed mandate.<sup>193</sup>

According to the representative of China, the actions of the international community, including the actions of the Council, should aim first of all to meet the priority needs of the Rwandese people. In so doing, it must respect the will of the Rwandese Government and people. With respect to the Council's proposed modification of UNAMIR's mandate and reduction in the scope of its activities. UNAMIR would mainly play a good-offices role to help achieve national reconciliation within the framework of the Arusha Peace Agreement. China was of the view that such a change was in the interests of the Rwandese people.<sup>194</sup>

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<sup>193</sup> *Ibid.*, pp. 4-5.

<sup>194</sup> *Ibid.*, pp. 8-9.

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 997 (1995), which reads as follows:

*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,

*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 organizations 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.

After the vote, the representative of the United Kingdom noted that the overriding requirement of the people of Rwanda was for the development of a climate of stability and confidence, which would encourage further efforts and progress towards national reconciliation. His Government was satisfied that, with resolution 997 (1995), UNAMIR had the mandate to offer effective assistance with that process. It also hoped that the Government of Rwanda would draw confidence from the restatement of the arms embargo in the resolution to make clear to neighbouring countries that the embargo applied if the arms were for use in Rwanda. All countries in the region must continue their efforts to

ensure that the embargo was enforced effectively within their jurisdictions, and to prevent activities aimed at the destabilization of Rwanda from taking place within their borders. He further noted that the presence of UNAMIR provided an essential element of the framework for cooperation between the Government of Rwanda and the international community. His Government wished to see the international community increase its effort towards rehabilitation and reunification inside Rwanda, in particular through the rapid delivery of the substantial commitment of aid already entered into by the international community.<sup>195</sup>

The representative of the United States stated that UNAMIR continued to have a critical role to play in the joint efforts towards national reconciliation in Rwanda. One of its main functions would be to assist the Rwandan Government in its daunting tasks of readying the country for the voluntary and safe repatriation of refugees. Reports that bases and camps separate from those under the supervision of UNHCR were being used for military training, recruitment and incursions into Rwanda, constituted a danger that the Council must address. That was why the resolution also asked for an investigation and reduction in the flow of arms to those who sought to destabilize Rwanda. Her Government was particularly pleased that, under its mandate, UNAMIR would contribute to the security of the personnel of the International Tribunal. To carry out their duties, the investigators, prosecutors and judges of the International Tribunal required impartial international military protection. She concluded by noting that, as a member of the Council, Rwanda had an important responsibility to promote the inviolability of international law around the world. She welcomed therefore the Rwandese Government's cooperation and expected it to meet its obligations pursuant to UNAMIR's new mandate.<sup>196</sup>

In light of the new situation in Rwanda, the representative of the Russian Federation agreed with the need to make certain adjustments to the mandate of UNAMIR and believed that the Mission's new mandate retained an adequate United Nations presence and active role in Rwanda. On the political level, his delegation believed that

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<sup>195</sup> *Ibid.*, pp. 9-10.

<sup>196</sup> *Ibid.*, pp. 12-13.

the Arusha Agreement continued to define the framework for a peaceful settlement and noted the special role that the OAU and Rwanda's neighbouring countries were called upon to play. His delegation further hoped that Rwanda's neighbours would take all necessary measures to put an end to the illegal delivery of weapons to extremists from the Rwandan opposition, and thereby contribute to the maintenance of stability both in Rwanda and in the region as a whole.<sup>197</sup>

The representative of France noted that the situation in Rwanda had changed considerably since UNAMIR was established. The Rwandan Government had requested that the United Nations draw the relevant conclusions from those changes and that the United Nations operation in Rwanda no longer be entrusted with peace-keeping tasks *per se*. That was what the Council had just done in giving UNAMIR a new mandate. It was also envisaged that the troop strength would be reduced by more than half. France hoped that the Government of Rwanda would cooperate fully with the United Nations operation and especially that it would continue to respect the Status of Mission Agreement. Thus reconfigured, UNAMIR would have the primary task of providing assistance to the Rwandan Government, particularly with regard to the essential priority question: the return of refugees and their reintegration into their communities. France also believed that the refugee question could not be resolved solely in a national framework. It therefore continued to hope that a conference on peace, security and stability would be organized so that the problems facing the countries of the Great Lakes Region could be resolved in a regional framework. In conclusion, France believed that confidence could be re-established in Rwanda only if there was a halt to the arms smuggling that fuelled tensions in the region. Measures to that end included the clarification of the embargo regime imposed under resolution 918 (1994) and the possible deployment in neighbouring countries of military observers whose task it would be to monitor the implementation of the embargo.<sup>198</sup>

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<sup>197</sup> *Ibid.*, pp. 12-13.

<sup>198</sup> *Ibid.*, p. 13.

The representative of Rwanda stated that his Government recognized the need to review UNAMIR's mandate. The situation in Rwanda had changed and the Mission's mandate had already been overtaken by events. His Government, like any responsible Government, wished to exercise its sovereignty in the security field throughout Rwanda. It also wished to ensure peace and build confidence between the Rwandese without any go-betweens. So long as there was a go-between, that confidence could never be fully established. There was a need to promote direct contacts between the people and its Government. On the issue of insecurity arising from the refugee camps, his delegation would request the Secretary-General to submit a report to the Council on the situation in the camps rather than allowing the situation to deteriorate and leaving it to non-governmental organizations and journalists to assess the situation. If the countries that were affected by the refugee camps wished to demonstrate transparency, Rwanda would ask them to form an international commission to consider that question. As for the arms embargo imposed on the Rwandese Government, which helped the criminals of the former Government, it was unfortunate that the new Government of National Unity had become the sole victim of that embargo, which was technically difficult to implement in the refugee camps, since the group there was not a political entity. His delegation requested that the Council urgently review its resolution 918 (1994), which was designed to address a particular situation. That situation and the government to which that resolution applied no longer existed, and the resolution therefore penalized a Rwandese government that was struggling to ensure security for its people. The Rwandese people not only needed such a review, they had a right to it.<sup>199</sup>

**Decision** of 17 July 1995 (3555th meeting): resolution 1005 (1995)

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<sup>199</sup> *Ibid.*, pp. 15-16.

At its 3555th meeting, on 17 July 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Honduras) drew the attention of the members of the Council to a draft resolution<sup>200</sup> submitted by the United States.

The draft resolution was then put to the vote and adopted unanimously as resolution 1005 (1995), which reads as follows:

*The Security Council,*

*Recalling* its previous resolutions 918 (1994) of 17 May 1994, and 997 (1995) of 9 June 1995,

*Noting with concern* that unexploded landmines constitute a substantial hazard to the population of Rwanda, and an impediment to the rapid reconstruction of the country,

*Noting also* the desire of the Government of Rwanda to address the problem of unexploded landmines, and the interest on the part of other States to assist with the detection and destruction of these mines,

*Underlining* the importance the Council attaches to efforts to eliminate the threat posed by unexploded landmines in a number of States, and the humanitarian nature of demining programmes,

*Recognizing* that safe and successful humanitarian demining operations in Rwanda will require the supply to Rwanda of an appropriate quantity of explosives for use in these operations,

*Acting* under Chapter VII of the Charter of the United Nations,

*Decides* that, notwithstanding the restrictions imposed in paragraph 13 of resolution 918 (1994), appropriate amounts of explosives intended exclusively for use in established humanitarian demining programmes may be supplied to Rwanda upon application to and authorization by the Committee of the Security Council established by resolution 918 (1994).

**Decision** of 16 August 1995 (3566th meeting): resolution 1011 (1995)

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<sup>200</sup> S/1995/580.



By a letter<sup>201</sup> dated 5 July 1995, addressed to the President of the Council, the representative of Rwanda requested that the arms embargo on Rwanda be lifted to ensure the security of its population and to re-establish its full sovereignty. A country's self-defence was a sovereign right which neither the international community nor the Security Council should restrict. He therefore requested that the Council take urgent action to lift the arms embargo on Rwanda; request that the Sanctions Committee on the arms embargo set up under resolution 918 (1994) to consider reports on arms transfers to the leaders, the militia and the soldiers of the former Rwandese Government, as a matter of urgency, report thereon to the Council; prepare and adopt a resolution to restrict the rearming of the former genocidal Rwandese government leaders and forces regardless of where they were located; deploy United Nations monitors in Zaire with the purpose of restricting the militarization of Rwandan refugee camps in that country; and request Member States to implement resolution 978 (1995) as well as the presidential statement of 27 April 1995.

On 9 July 1995, pursuant to resolution 997 (1995), the Secretary-General submitted to the Council a report<sup>202</sup> on the implementation of paragraph 6 of that resolution, whereby the Council requested him to consult the Governments of the countries neighbouring Rwanda on the possibility of deployment of United Nations military observers in order to monitor the sale or supply of arms and *matériel*. The Secretary-General reported that he had appointed a Special Envoy to carry out the consultations and that the latter had visited the neighbouring countries from 20 to 28 June 1995. While many of the Governments consulted had taken the view that the primary responsibility lay with the Government of Rwanda, there had been general acknowledgement also of the value of action at the regional level. In some countries, however, there had been strong opposition to the deployment of United Nations observers as proposed in resolution 997 (1995). The Secretary-General indicated that he would explore further the positions of the Governments concerned during his visit to the region.

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<sup>201</sup> S/1995/547.

<sup>202</sup> S/1995/552.

On 8 August 1995, pursuant to resolution 997 (1995), the Secretary-General submitted a progress report<sup>203</sup> on UNAMIR. The Secretary-General observed that, in the last 12 months, the Government of Rwanda had made efforts to stabilize conditions within the country, although the weakness of the economy and the lack of public revenue to run an effective administration continued to frustrate those efforts. Since the tensions on the country's borders could erupt in uncontrollable violence at any moment, the Government of Rwanda, the countries in the subregion and other members of the international community should address the vital issues confronting the country with a sense of urgency. It was imperative that representatives of all sectors of Rwandan society begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability. The international community also had an important role to play in Rwanda's reconstruction and in encouraging repatriation and reconciliation. The Secretary-General noted that, in accordance with resolution 997 (1995), UNAMIR was taking the necessary steps to draw down its military presence in Rwanda and to implement its new mandate. In that connection, he urged the Government to ensure that visible measures were put in place to ensure respect for human rights and security for all Rwandan people and to continue to encourage the voluntary return of refugees. That would send a clear message to the international community that its assistance for reconstruction should be accelerated. The Secretary-General further noted that, during his visit to the subregion on 13 and 14 July, there was clear consensus among government leaders that instability in any State in the area could have a dramatic effect on all its neighbours. Strong interest was expressed in the establishment of an international commission under the auspices of the United Nations to address allegations of arms flows to former Rwandese government forces. He undertook to provide his recommendations in that regard to the Council shortly. In the meantime, as discussed with Heads of State and Government in the region, it might be useful to convene, at the earliest possible date, a regional meeting aimed at developing concrete measures to implement the commitments embodied in the Nairobi Summit declaration of January 1995, the Bujumbura Action Plan of February 1995 and the tripartite agreements signed by the

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<sup>203</sup> S/1995/678.

UNHCR, Rwanda and neighbouring countries hosting Rwandan refugees. He intended to continue intensive consultations on those proposals.<sup>204</sup>

At its 3566th meeting, on 16 August 1995, the Council included the reports of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Zaire, at his request, to participate in the Council's discussion, without the right to vote. The President (Indonesia) drew the attention of the members of the Council to a draft resolution<sup>205</sup> prepared in the course of the Council's prior consultations. He also drew the attention of the members of the Council to a letter dated 5 July 1995 from the representative of Rwanda addressed to the President of the Council and a note verbale dated 10 August 1995 from the Permanent Mission of Zaire addressed to the President of the Council. In the note verbale, the Government of Zaire, *inter alia*, opposed the lifting of the arms embargo on Rwanda, rejected the idea of redeploying military observers to Zaire; and reiterated its support for the setting up of an international commission of inquiry under United Nations auspices with a view to conducting investigations into the supply of weapons to the former Rwandan armed forces and to verifying allegations of destabilizing activities.

The representative of Zaire stressed that the compromise text of the draft resolution on lifting the embargo on Rwanda fell far short of Zaire's expectations, given the deterioration of the situation and the exacerbation of tension in the region. By suspending the embargo on the supply of arms to Rwanda for a trial period of one year, the Council would allow Rwanda to obtain military equipment and other modern, sophisticated war *matériel* at a time when it was barely concealing its warlike intentions and threatening to attack refugee camps in Zaire, and was not promoting a climate of understanding and national reconciliation but was, rather, encouraging new flows of refugees to Zaire, which had the appearance of the expulsion of Rwanda's own nationals for political, ethnic and tribal reasons. Even though the Council had included conditions in the text, adoption of the draft resolution would not contribute to easing tension in the region. In view of that

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<sup>204</sup> *Ibid.*, para. 45.

<sup>205</sup> S/1995/703.

situation, and in accordance with the General Assembly's Declaration on Territorial Asylum of 14 December 1967, Zaire was justified in derogating from the principle that refugees should not be subjected to measures such as refusal of entry at the border, or expulsion or deportation to another State where they might be persecuted, for overriding reasons of national security or in order to safeguard its population, as in the case of a mass influx of persons. He further stated that his country would like the Council to address the worsening situation on its eastern borders, adding that if the situation degenerated it would hold the Kigali and Bujumbura Governments responsible.<sup>206</sup>

Speaking before the vote, the representative of Botswana recalled that the arms embargo imposed by resolution 918 (1994) was aimed at a Government which had planned, masterminded and presided over the mass execution of its own people. The embargo was, however, clearly being applied not only against the wrong Government but against the one that had stopped the genocide. It was equally true that the geopolitical and military situation in the Great Lakes subregion made it necessary for the Council to maintain the arms embargo for some time. He stressed that there was no deliberate intention on the part of the Council to punish Rwanda or its new Government. The primary concern was to stem the flow of arms to a volatile subregion which could easily be engulfed by military conflict and thus threaten international peace and security. However, recent developments had rendered the maintenance of the arms embargo politically untenable. He with a sense of urgency further recalled that the Council had repeatedly reminded the Government of Rwanda that it had primary responsibility to create conditions conducive to national reconciliation. There could no longer be any justification for the continued denial to the Government of Rwanda of the wherewithal to defend itself and the people of Rwanda when a clear threat to the national security of the country existed. Rwanda, like every other State, had the legitimate right of self-defence. While the lifting of the arms embargo on Rwanda should not be misconstrued as license for military preparations by anyone, his delegation hoped that the action of the Council would have a deterrent effect. The Council's message to the Government of Rwanda was also loud and

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<sup>206</sup> S/PV.3566, pp. 2-3.

clear. The return of the refugees was at the heart of Rwanda's problems. In that regard, the acquisition of defensive capability was only a temporary measure. The real solution would come with the return of the refugees, national reconciliation and durable peace in the country.<sup>207</sup>

According to the representative of Nigeria, the lifting of the arms embargo on Rwanda would not only enable the Government of Rwanda to defend itself and its citizens, but also serve to deter military adventurism from opponents of the Government from outside. If the Government of Rwanda was expected to take full responsibility for peace and security inside the country, it could not be denied the legitimate means with which to carry out that responsibility. Nonetheless, the Government of Nigeria was not unaware that introducing more weapons to an already volatile environment would have its own destabilizing effects. That was why the draft resolution incorporated safeguards to ensure that the weapons got only to the intended beneficiary and were put to the use to which a legitimate Government had a right, namely, self-defence. Furthermore, in order to ensure transparency and, more important, to assure the international community – particularly the neighbouring States – that the arms would be used solely for legitimate defensive purposes, the Council had agreed to a one-year trial period during which the restrictions would only be suspended. His delegation supported the proposal to establish a commission to conduct a full investigation of allegations of illegal arms flows into the subregion and looked forward to a termination of the arms embargo in the next 12 months. To make that possible, however, necessary steps in the areas of justice, national reconciliation and political accommodation would have to be undertaken by the Government of Rwanda, supported by the international community.<sup>208</sup>

The representative of the Russian Federation stated that the tasks of ensuring security and strengthening peace and stability in Rwanda and throughout the region could be fulfilled only through a careful and integrated approach to the elimination of the causes of conflict and tension. The Government of Rwanda, especially in the light of the

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<sup>207</sup> *Ibid.*, pp. 4-5.

<sup>208</sup> *Ibid.*, pp. 5-6.

imminent major reduction of the United Nations presence in that country, should be allowed to meet its own need for weapons within the limits of a sufficient defence capacity. At the same time, in the light of the fragile situation in Rwanda and in a number of neighbouring countries, it was important that that process take place under firm international control and that it proceed in accordance with an internal settlement and with the changes in the military and political situation in the Central African region. In parallel, measures should be taken to bring about cooperation with the Governments of the countries of the region to curb the illegal inflow of weapons and to prevent their delivery to forces of the former Government on the territory of neighbouring States, and also within the refugee camps. An important step in that direction might be the deployment of United Nations military observers on the territory of those countries, and the rapid establishment of a commission of inquiry into the illegal delivery of arms to armed units of the former Rwandese Government. However, such measures would not have their full effect in the long-term strengthening peace and security if priority was not given to peace negotiations. In that connection, the Russian Federation fully supported the idea of rapidly convening a regional conference on security, stability and development, and also of convening a regional meeting to solve problems related to the repatriation of refugees. It was extremely important to develop dialogue within Rwanda, with the participation of representatives of all sectors of the population of the country, and also through the efforts of the Government of Rwanda to strengthen conditions of stability and confidence that would ensure the return of refugees from neighbouring States.<sup>209</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 1011 (1995), which reads as follows:

*The Security Council,*

*Recalling* all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1005 (1995) of 17 July 1995,

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<sup>209</sup> *Ibid.*, p. 7. See also the comments by the representative of the Czech Republic, *ibid.*, pp. 7-8.

*Having considered* the report of the Secretary-General on monitoring of the restrictions on the sale or supply of arms dated 9 July 1995,

*Having also considered* the progress report of the Secretary-General on the United Nations Assistance Mission for Rwanda (UNAMIR) dated 8 August 1995,

*Emphasizing* that the uncontrolled circulation of arms, including to civilians and refugees, is a major cause of destabilization in the Great Lakes subregion,

*Welcoming* the proposal of the Government of Zaire to establish an international commission under United Nations auspices to investigate reports of arms supplies to former Rwandan government forces,

*Recognizing* that the registration and marking of weapons are of considerable assistance in monitoring and enforcing restrictions on the illicit deliveries of weapons,

*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,

*Stressing* the need for representatives of all sectors of Rwandan society, excluding those political leaders suspected of planning and directing the genocide last year, to begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability,

*Taking note of* the letter dated 5 July 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council (S/1995/547), requesting urgent action to lift the restrictions on the sale or supply of arms and *matériel* to the Government of Rwanda to ensure the security of the Rwandan population,

*Welcoming* the improvement in the working relations between the Government of Rwanda and UNAMIR and *recalling* the mandate of UNAMIR, as adjusted in resolution 997 (1995), in particular to help achieve national reconciliation,

*Recalling* that the prohibition on the delivery of arms and *matériel* to Rwanda was originally aimed at stopping the use of such arms and equipment in the massacres of innocent civilians,

*Taking note of* the Council's decision in resolution 997 (1995) to reduce the force level of UNAMIR, and reaffirming that the security of that country is the primary responsibility of the Government of Rwanda,

*Deeply concerned* by the situation in Rwanda's prisons and judicial system, particularly overcrowding, the lack of judges, detention of minors and elderly prisoners, and absence of speedy judicial or administrative review of charges, and in this respect, welcoming renewed efforts by the United Nations and donor countries, in coordination with the Government of Rwanda, to initiate, on an urgent basis, measures to improve this situation,

*Underlining* the need for increased efforts by 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,

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1. *Commends* the efforts of the Secretary-General and his Special Envoy in pursuing regional responses to the problem of illicit arms supplies in the region and encourages the Secretary-General to continue his consultations in this regard;

2. *Requests* the Secretary-General, as proposed in paragraph 45 of his report, to make recommendations to the Security Council, as soon as possible, on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandan government forces in the Great Lakes region of Central Africa;

3. *Calls upon* the Governments of Rwanda and neighbouring States to cooperate with the Commission's investigation;

4. *Encourages* the Secretary-General to continue his consultations with the Governments of neighbouring States concerning the deployment of United Nations military observers in the airfields and other transportation points in and around border crossing points and calls on the neighbouring States to cooperate with and assist these observers to ensure that arms and related *matériel* are not transferred to Rwandan camps within their territories;

5. *Requests* the Secretary-General to report to the Council within one month of the adoption of this resolution on his efforts for the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development, as well as for the convening of a regional meeting to address the problems facing the repatriation of refugees;

6. *Calls upon* the Government of Rwanda to continue its efforts to create an atmosphere of trust and confidence for the safe return of refugees and take further steps to resolve the humanitarian problems in its prisons, and to expedite disposition of the charges against those detained;

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*Acting* under Chapter VII of the Charter of the United Nations,



7. *Decides* that, with immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related matériel to the Government of Rwanda through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all Member States of the United Nations of the list;

8. *Decides also* that on 1 September 1996 the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related *matériel* to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 below;

9. *Further decides*, with a view to prohibiting the sale and supply of arms and related *matériel* to non-governmental forces for use in Rwanda, that all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or *matériel* within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 above;

10. *Decides also* that no arms or related *matériel* sold or supplied to the Government of Rwanda may be resold to, transferred to, or made available for use by, any State neighbouring Rwanda, or person not in the service of the Government of Rwanda, either directly or indirectly;

11. *Further decides* that States shall notify all exports from their territories of arms or related *matériel* to Rwanda to the Committee established by resolution 918 (1994), that the Government of Rwanda shall mark and register and notify to the Committee all imports made by it of arms and related *matériel*, and that the Committee shall report regularly to the Council on notifications so received;

12. *Requests* the Secretary-General to report to the Council within 6 months of the date of adoption of this resolution, and again within 12 months, regarding, in particular, the export of arms and related *matériel* referred to in paragraph 7 above, on the basis of the reports submitted by the Committee established by resolution 918 (1994);

13. *Decides* to remain actively seized of the matter.

After the vote, the representative of the United States stated that with the adoption of resolution 1011 (1995) the Government of Rwanda would be better able to deter violent action by militia or former army groups or, if necessary, defend the new Rwandan society. He noted that the Government of Rwanda had agreed to certain conditions, such as reporting its purchases to the Council, in order to assuage the concerns of Council members and neighbouring States. The United States fully supported Rwanda's right of self-

defence, but underlined that an unwarranted stockpiling of arms should not take place. The speedy establishment of a commission of inquiry into allegations of arms flows to former Rwandan armed forces was also necessary for the reduction of tension and the creation of a climate of trust. He further stated that resolution 1011 (1995) underlined the expectation that the Government of Rwanda would shoulder all the responsibilities of an effective government, including creating the conditions of trust and confidence which were necessary for the safe and voluntary return of refugees. One key element in creating such a climate of trust was an immediate improvement in the overcrowded conditions of Rwandan prisons.<sup>210</sup>

The representative of France noted that his delegation had voted in favour of resolution 1011 (1995) in spite of questioning the timeliness of the decision. His Government understood that, from the legal standpoint, the Kigali authorities wished to regain full sovereignty. It was normal for a Government to request full exercise of its competence to ensure the security of its inhabitants, and for it to possess the means to do so. By suspending the embargo against Rwanda until 1 September 1996, the Council had complied with that request. Yet that decision should not be completely separated from the political context in Rwanda and in other countries of the region. Although the Kigali Government had made many efforts to promote normalization of the situation in Rwanda, the Secretary-General's report also stressed that many problems had only barely begun to be resolved. The speaker thought that the decision to lift the embargo would be an added deterrent, which was why he would have preferred a gradual lifting of the embargo that dealt on a priority basis with equipment for maintaining order, and especially for equipping the police and the gendarmerie. He hoped that the authorization granted to the Government of Rwanda to import weapons would be used in a measured, well-advised way, and that the additional flows of weapons would not increase tension among the countries of the region, as some signs seemed to indicate they would. The international community must continue to give its full support to the Kigali Government to enable it to complete the work of national reconciliation and reconstruction to which it had committed itself. Finally, his

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<sup>210</sup> *Ibid.*, pp. 9-10.

Government remained convinced that the rapid organization of a regional conference on peace, security and development would lay a solid, indispensable foundation for the restoration of stability in the Great Lakes region.<sup>211</sup>

The representative of Rwanda stated that the fear in the Great Lakes region had not been created by weapons but, rather, by the impunity that prevailed there. He reiterated that there was no proliferation of arms in Rwanda, and stated that in Rwanda, the priority was not the purchase of weapons, but rather national reconstruction, the return of the refugees and the rebuilding of Rwandese society. Rwanda's main objective in submitting resolution 1011 (1995) was based on the principle of the sovereignty of the country and its right and duty to defend its population and its territory. It had no intention whatsoever of provoking a war against its neighbours. But the Government did not want to inherit an embargo which was imposed upon the genocide Government. He stated that the real danger for the region was the impunity that the international community seemed to be encouraging, which was a much greater danger than the weapons that were being acquired.<sup>212</sup>

Speaking in his capacity as the representative of Indonesia, the President stressed that it was essential that the Rwandan Government refrain from the use of arms and related *matériel* for any purposes other than legitimate purposes in accordance with international law, such as self-defence. The resolution would enable Rwanda to take primary responsibility for maintaining its own security structure, independent of United Nations forces, in order to ensure peace and stability throughout the Great Lakes region. In that regard, it was of paramount importance that the countries surrounding Rwanda contribute to monitoring the arms flow in the region in order to prevent civilians or destabilizing forces in the region, especially refugees in Rwandan camps within their territories, from acquiring military *matériel*. Therefore, his delegation supported the establishment of a commission to investigate the alleged arms flow to former Rwandan government forces in the region. He stressed that the lifting of the embargo on the Government of Rwanda did not come without a measure of responsibility.

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<sup>211</sup> *Ibid.*, pp. 10-11. See also Argentina, p. 11; Germany, p. 12; and the United Kingdom, pp. 12-13.

<sup>212</sup> *Ibid.*, pp. 13-14.

**Decision** of 23 August 1995 (3569th meeting): statement by the President

By a letter<sup>213</sup> dated 17 August 1995, the Prime Minister of Zaire requested the Secretary-General to indicate to him the arrangements made at the United Nations level in relation to the new country or countries of asylum to which the Rwandan and Burundi refugees in Zaire should be evacuated. In the absence of any clear indication, the Government of Zaire intended to evacuate them to their country of origin at the expense of UNAMIR, the United Nations and the Governments of their respective countries. That decision was the logical sequel to the adoption of resolution 1011 (1995), its aim being to protect Rwanda against the alleged destabilization attempts by former members of the Rwandese armed forces and Rwandan refugees in neighbouring countries, including Zaire.

By a letter<sup>214</sup> dated 18 August 1995, the Secretary-General, pending the reaction of the Council, addressed to the Prime Minister of Zaire an urgent appeal that his Government continue to provide assistance to the Rwandan and Burundian refugees.

At its 3569th meeting, on 23 August 1995, the Security Council included the above letters in its agenda. After the adoption of the agenda, the President stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>215</sup> on behalf of the Council:

“The Security Council views with deep concern the forcible repatriation of Rwandan and Burundian refugees by the Government of Zaire and the increasingly tense situation in the region.

“The Security Council takes note of the recent letter from the Government of Zaire to the Secretary-General and the Secretary-General's reply in which he urges the Government of Zaire to continue to provide assistance to Rwandan and Burundian refugees.

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<sup>213</sup> S/1995/722.

<sup>214</sup> S/1995/723.1

<sup>215</sup> S/PRST/1995/41.

“The Security Council considers that Zaire and the other States which have accepted refugees from Rwanda and Burundi make an important contribution, in spite of the considerable difficulties created for them thereby, to peace and stability in the region. Their contribution is of special importance in view of the genocide which took place in Rwanda and the possibility of further bloodshed in Burundi. The Council also notes the commitment of the Government of Rwanda to take the necessary steps to facilitate the safe return of its nationals as soon as possible and encourages it to continue its efforts in order to implement its undertakings in this respect.

“The Security Council calls on the Government of Zaire to stand by its humanitarian obligations regarding refugees, including, *inter alia*, those under the Convention relating to the Status of Refugees of 1951, and to reconsider and halt its declared policy of the forcible repatriation of refugees to Rwanda and Burundi.

“The Security Council supports the decision by the Secretary-General to send the United Nations High Commissioner for Refugees to the region to engage in urgent discussions with the Government of Zaire and neighbouring States with a view to resolving the situation. It encourages all Governments in the region to cooperate with the United Nations High Commissioner for Refugees to achieve the voluntary and orderly repatriation of refugees. It also calls on the international community to provide all possible assistance to help care for the refugees.”

#### **Decision** of 7 September 1995: letter from the President

By a letter<sup>216</sup> dated 29 August 1995 addressed to the President of the Council, the Secretary-General expressed his concern over recent developments in the Great Lakes Region. He reported that since the refoulement of Rwandese and Burundian refugees from Zaire, he had received assurances from the Government of Zaire that it would not pursue forcible repatriation of refugees. At his request, the United Nations High Commissioner for Refugees was undertaking consultations with the Government of Zaire and other countries in the region to ensure the safe, voluntary and orderly repatriation of refugees. While the Prime Minister of Zaire had indicated that he wished the repatriation to be completed by 31 December 1995, the High Commissioner had made it clear that a policy of forcible repatriation would not solve the problem. The Secretary-General added, however, that the enormous economic, environmental and political burden which the presence of almost 2 million refugees placed on the Governments and peoples of Zaire, Tanzania and

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<sup>216</sup> S/1995/762.

other countries in the region needed to be fully recognized. The Secretary-General further reported that following his July visit to Rwanda, he had asked his Under-Secretary-General for Humanitarian Affairs to initiate measures to address the crisis arising as a result of prison conditions in Rwanda and the inability of the justice system to process the cases of those incarcerated. A United Nations mission had just returned from Rwanda and had prepared a two-pronged strategy to address that dual but closely related problem. The strategy would, on the one hand, enable immediate action to improve prison conditions and expand the prison capacity, and, at the same time, provide assistance to the Government of Rwanda to strengthen its justice system as well as to reinforce its commitment and capacity to implement a proper arrest and detention policy. The successful implementation of the strategy would require the full cooperation and support of the Government of Rwanda as well as the donor community. The Secretary-General had also taken steps to reinforce system-wide coordination structures in Burundi and Rwanda. Steps had also been taken to set up a Regional Integrated Information Unit (RIIU), as recommended by the Inter-Agency Standing Committee, composed of all relevant humanitarian organizations and based at Nairobi, to enhance the international humanitarian community's capacity to develop and implement integrated approaches to address the problems of the region.

The Secretary-General further observed that a lasting solution of the crisis facing the Great Lakes Region lay only in the early restoration of political stability and security in the countries of the region. In that connection, he had appointed his Special Envoy for the preparation and convening of the Conference on Peace, Security and Development in the Great Lakes Region called for in resolution 1011 (1995). He had also proposed the establishment of a Commission of Inquiry on the supply of arms to the region and, upon the concurrence of the Council he would dispatch a mission to the area and report further to the Council. The Human Rights Field Operation in Rwanda was concentrating on confidence-building measures aimed at promoting national reconciliation and a programme of technical assistance and advisory services designed principally for the rehabilitation of the Rwanda justice system. The Secretary-General was also concerned over the slow pace of progress in the establishment of the International Tribunal for Rwanda. He had asked the

Chief Prosecutor to do his best to accelerate the work of the Tribunal and after his arrival in Rwanda on 30 August, the Secretary-General would report on the outcome of his visit to the region.

In a letter<sup>217</sup> dated 7 September 1995, the President of the Council (Italy) informed the Secretary-General of the following:

“I have the honour to inform you that your letter dated 29 August 1995 concerning recent developments in Rwanda and the Great Lakes Region, has been brought to the attention of the members of the Security Council. They believe your letter provides a synopsis of political and humanitarian problems facing the region. They share your concern at the continued gravity of the situation and underline the need for a coordinated and effective response from the international community. The members of the Security Council therefore express their support for the initiatives you are undertaking, as described in your letter, and look forward to their implementation. The members of the Council will continue to monitor closely future developments in the area.”

**Decision** of 7 September 1995 (3574th meeting): resolution 1013 (1995)

In a letter<sup>218</sup> dated 25 August 1995 addressed to the President of the Council, the Secretary-General, in accordance with resolution 1011 (1995), submitted his recommendations on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandese government forces in the Great Lakes region. The proposed Commission would collect information and investigate reports relating to the sale or supply of arms and related *matériel* to former Rwandese government forces in violation of the embargo imposed under resolutions 918 (1994) and 1011 (1995) and allegations that such forces were receiving military training in order to destabilize Rwanda; attempt to identify parties aiding or abetting the illegal acquisition of arms by those forces; and recommend measures to curb the illegal flow of arms in the subregion. States, international and other organizations and private individuals were to provide relevant information to the Commission and any other assistance that

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<sup>217</sup> S/1995/774.

<sup>218</sup> S/1995/761.

might be required. He recommended that Governments in whose territories investigations would be conducted should be requested to guarantee the safety and security of the members of the Commission and to ensure their freedom of movement and contacts. Governments concerned should respect the integrity and freedom of witnesses, experts and other persons who might be called by the Commission, including guaranteeing their security. The Commission would be composed of an eminent person, appointed by the Secretary-General, who would serve as Chairman, assisted by 5 to 10 legal, military and police experts and the appropriate support staff. He recommended that the Commission commence its work in Zaire.

At its 3574th meeting, on 7 September 1995, the Council included the letter of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Zaire, at his request, to participate in the Council's discussion, without the right to vote. The President drew the attention of the members of the Council to the Note Verbale<sup>219</sup> dated 10 August 1995 from the Permanent Mission of Zaire and to a draft resolution<sup>220</sup> prepared in the course of the Council's prior consultations.

The representative of Zaire recalled that his country had supported the establishment of the International Commission of Inquiry to address accusations levelled at Zaire by certain elements in the region. He was pleased that, despite the obstacles put in the way by some countries of the region, the Council was able, through the draft resolution, to get that Commission under way. But he pointed out that his country had nothing to hide, stressing that it did not expel refugees but rather authorized them to return to their country, as it was allowed to do under certain provisions. He hoped that the United Nations High Commissioner for Refugees would submit her report promptly to the Council so that his Government could make clear its intentions vis-à-vis the situation of the refugees on its territory.<sup>221</sup>

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<sup>219</sup> S/1995/683.

<sup>220</sup> S/1995/771.

<sup>221</sup> S/PV.3574, pp. 2-3.



Speaking before the vote, the representative of Nigeria stated that the proposal to establish a Commission to conduct a full investigation of allegations of arms flows to former Rwandese government forces, together with the efforts of the Secretary-General to convene a regional conference on security, stability and development in the Great Lakes region, represented a combined effort to tackle the problems of the area from a regional perspective. That approach was viable, given the Council's awareness that problems in either Rwanda or Burundi had the potential to destabilize the whole subregion. The draft resolution contained the elements – both technical and political – that were required to ensure that the Commission effectively discharged its functions. The proposals regarding the working methods and procedures of the Commission were generally in keeping with the character of such a body as an impartial entity. His delegation believed, however, that the Secretary-General should continue his consultations to convince all the States of the region of the desirability of that idea, possibly as part of the mandate of the Secretary-General's new Envoy who would be organizing the regional conference.<sup>222</sup>

The representative of Botswana noted that the draft resolution before the Council mainly resulted from reported violations of resolution 918 (1994). The flow of arms and related *matériel* to elements of the former Rwandese government forces gravely undermined stability and national reconciliation in Rwanda and constituted a serious threat to peace and security in the Great Lakes region. He noted also that the establishment of an International Commission of Inquiry perhaps represented the Council's last hope in its efforts to end the flow of arms. The significance and urgency of the work of the Commission and its contribution to peace and security in the region could not therefore be overemphasized in that regard. Its success hinged on the cooperation that it could receive from all concerned in the subregion and beyond.<sup>223</sup>

The representative of China agreed that the establishment of the Commission would be an important element in preventing renewed conflict in the region. His delegation hoped that the Commission would cooperate fully with the countries concerned,

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<sup>222</sup> *Ibid.*, p. 3.

<sup>223</sup> *Ibid.*, pp. 3-4.

for only with their cooperation and support could it successfully carry out its mandate. It hoped therefore that the Commission, while exercising its rights, would see to it that the sovereignty of those countries was respected and that there was no interference in their internal affairs.<sup>224</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 1013 (1995), which reads as follows:

*The Security Council,*

*Recalling* all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1011 (1995) of 16 August 1995,

*Having considered* the letter of the Secretary-General to the President of the Security Council dated 25 August 1995 on the establishment of a commission of inquiry,

*Having also considered* the note verbale of 10 August 1995 from the Government of Zaire to the President of the Security Council and *welcoming* the proposal of the Government of Zaire contained therein for the establishment under the auspices of the United Nations of an international commission of inquiry and its offer to assist such a Commission,

*Recognizing* that destabilizing influences in the Great Lakes region, including the illegal acquisition of arms, can be prevented by the cooperative efforts of all Governments concerned,

*Expressing once again* its grave concern at allegations of the sale and supply of arms and related matériel to former Rwandan government forces in violation of the embargo imposed under its resolutions 918 (1994), 997 (1995) and 1011 (1995), and *underlining* the need for Governments to take action to ensure the effective implementation of the embargo,

*Underlining* the importance of regular consultations between the Commission of Inquiry and the countries concerned, as appropriate, in view of the necessity to respect the sovereignty of States in the region,

1. *Requests* the Secretary-General to establish, as a matter of urgency, an International Commission of Inquiry, with the following mandate:

(a) To collect information and investigate reports relating to the sale or supply of arms and related *matériel* to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995);

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<sup>224</sup> *Ibid.*, p. 5.

(b) To investigate allegations that such forces are receiving military training in order to destabilize Rwanda;

(c) To identify parties aiding and abetting the illegal acquisition of arms by former Rwandan government forces, contrary to the Council resolutions referred to above; and

(d) To recommend measures to end the illegal flow of arms in the subregion in violation of the Council resolutions referred to above;

2. *Recommends* that the Commission to be appointed by the Secretary-General be composed of five to ten impartial and internationally respected persons, including legal, military and police experts, under the Chairmanship of an eminent person, and assisted by the appropriate support staff;

3. *Calls upon* States, relevant United Nations bodies, including the Committee established by resolution 918 (1994), and as appropriate, international humanitarian organizations, and non-governmental organizations, to collate information in their possession relating to the mandate of the Commission, and *requests* them to make this information available as soon as possible;

4. *Requests* the Secretary-General to report to the Council on the establishment of the Commission, and *further requests* him to submit, within three months from its establishment, an interim report on the conclusions of the Commission and, as soon as possible thereafter, to submit a final report, containing its recommendations;

5. *Calls upon* the Governments of the States concerned in which the Commission will carry out its mandate to cooperate fully with the Commission in the fulfilment of its mandate, including responding positively to requests from the Commission for security, assistance, and access in pursuing investigations, including:

(a) Adoption by them of any measures needed for the Commission and its personnel to carry out their functions throughout their respective territories with full freedom, independence, and security;

(b) Provision by them of all information in their possession which the Commission requests, or is otherwise needed to fulfil its mandate, and free access for the Commission and its staff to any relevant archives;

(c) Freedom of access at any time, for the Commission and its staff to any establishment or place as they deem necessary for their work, including border points, airfields, and refugee camps;

(d) Appropriate measures to guarantee the safety and security of the members of the Commission and guarantees from the Governments of full respect for the integrity,

security and freedom of witnesses, experts and any other persons working with the Commission in the fulfilment of its mandate;

(e) Freedom of movement for members of the Commission, including freedom to interview any person in private, at any time, as appropriate;

(f) The grant of relevant privileges and immunities in accordance with the General Convention on the Privileges and Immunities of the United Nations;

6. *Recommends* that the Commission begin its work as soon as possible and to this end *requests* the Secretary-General to pursue his consultations with the countries of the region;

7. *Calls upon* all States to cooperate with the Commission in facilitating its investigations;

8. *Encourages* States to make voluntary contributions to the Secretary-General's United Nations Trust Fund for Rwanda as a supplement to financing the work of the Commission as an expense of the organization, and to contribute through the Secretary-General equipment and services to the Commission;

9. *Decides* to remain seized of the matter.

After the vote, the representative of France stated that his Government was gratified that the Zaire initiative had led to the adoption of a resolution devoted to the establishment of the International Commission of Inquiry. He noted that since the adoption of resolution 918 (1994), many allegations had circulated regarding the assistance that the former Rwandan governmental forces continued to receive. Such allegations had largely contributed to maintaining in Central Africa an atmosphere of distrust, which in part explained the difficulties facing the international community in restoring peace and promoting national reconciliation in Rwanda and, more generally, in the Great Lakes region. It had therefore become essential to set up a Commission whose mandate would be to shed light, once and for all, on the many accusations that continued to poison relations between the countries of the region. His delegation hoped that the Commission would conclude its inquiry rapidly and with full impartiality. It also hoped that, on the basis of the

facts that it gathered, the Commission would be able to recommend concrete measures to end illegal arms flows in the subregion.<sup>225</sup>

The representative of the United States noted that with the adoption of resolution 1013 (1995), the Council was taking the steps necessary to enforce the arms embargo on Rwanda. His delegation regretted Zaire's earlier decision to forcibly repatriate refugees, and trusted that it would not return to such drastic measures. At the same time, his delegation commended the Zairian Government for taking the initiative to suggest the International Commission of Inquiry. Zaire's proposal was an important step in the development of resolution 1013 (1995), which would make a significant contribution to the effort to maintain peace in Central Africa and create the conditions for the voluntary return of refugees in dignity and safety. His delegation was especially pleased that the resolution empowered the Commission to go wherever necessary to gather evidence of possible arms transfers and military training. It believed that the Commission should conduct interviews and place observers at the places where illicit transfers were most likely to occur, and explore allegations of suspicious activities in and around the reputed military camps of the former Rwandan armed forces.<sup>226</sup>

The representative of the United Kingdom stated that his country shared the widespread concern at continuing allegations that arms and related *matériel* had been reaching former Government forces and militias in the camps, since the activities of those elements represented a real threat to the security and stability of Rwanda, of Burundi, and of the whole Great Lakes region. His delegation hoped that the Commission would be able to establish an accurate picture of whether arms and related *matériel* were reaching the extremist elements, that is, the armed elements in the camps. Its findings would provide an objective basis for the consideration of possible measures to improve the monitoring and enforcement of the arms embargo established under resolution 918 (1994) and subsequent

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<sup>225</sup> *Ibid.*, p. 6.

<sup>226</sup> *Ibid.*, pp. 6-7.

resolutions. He noted that it was very much in the interests of those countries in the region which had accepted large numbers of refugees to cooperate with the Commission.<sup>227</sup>

The representative of Rwanda stated that his delegation fully supported the contents of resolution 1013 (1995), noting that it was time that such a resolution was adopted in order to ensure respect for resolution 918 (1994), which was imposed on Rwanda and on countries that were engaged in violations. His delegation was of the view that any resolution aimed at verifying respect for the embargo must also fall under Chapter VII. Since that was not the case, the members of the Commission would not have a free hand in doing their verification and the result of their work might thereby be blunted. His delegation therefore felt that it was necessary to invoke Chapter VII in order to give resolution 1013 (1995) enough strength, just as it had been for the resolution whose implementation it was intended to verify. In conclusion, the speaker made the following comments: first, the problem of arms was woven into a fabric that could not be touched without referring to the impunity enjoyed by the criminals who had masterminded the genocide in Rwanda and had passed themselves off as refugees, while organizing the arming of the former Rwandan armed forces. The problem of arms was linked to that of the return of refugees: arming them created an atmosphere of tension which did nothing to facilitate their welcome in the country. Secondly, there had been more cooperation in armaments than in development. That situation concerned not only Rwanda, but other African countries, including Angola and Mozambique. It was high time for a resolution to be submitted – in the Council and/or in the General Assembly – demanding that those countries be obliged to rebuild the countries that had fallen victim to such destructive cooperation. His delegation recognized the right of any country, organization or corporation to sell arms to a State or give it military assistance, but it objected to those weapons being used to violate human rights.<sup>228</sup>

**Decision** of 17 October 1995 (3588th meeting): statement by the President

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<sup>227</sup> *Ibid.*, p. 8.

<sup>228</sup> *Ibid.*, pp. 9-10.

On 7 October 1995, pursuant to resolution 997 (1995), the Secretary-General submitted to the Council a progress report<sup>229</sup> on UNAMIR. The Secretary-General reported on the progress made by the Government of Rwanda in the reconciliation process, including the integration of more than 2,000 members of the former Rwandese Government Forces into the Rwandese Patriotic Army and the repatriation of some 13,000 Rwandese refugees. The Secretary-General stressed, however, that national reconciliation depended not only on the repatriation and safe reintegration of the refugees but also on the establishment of an effective and credible national judiciary. The judiciary had remained largely inoperative. It was vital in that regard to translate into concrete action the good intentions expressed by the Rwandese Government regarding various recovery efforts, including, for instance, the appointment by the National Assembly of the Supreme Court. He also reported that in spite of some progress made, prison conditions continued to constitute a major humanitarian crisis. He had therefore requested the Under-Secretary-General for Humanitarian Affairs to initiate effective and urgent measures to alleviate the appalling situation in the prisons. Any sustained improvement in prison conditions over the long term, however, could be secured only through parallel action to help restore the Rwandese judicial system.

The security situation had been endangered by cross-border infiltration and sabotage, leading to countermeasures by the Government. As requested in resolution 1013 (1995), the Secretary-General was working to set up the International Commission of Inquiry to look into allegations of arms supplies to and training of former Rwandese government forces.

The Secretary-General remained convinced that long-term peace in Rwanda would continue to be elusive as long as large concentrations of Rwandese nationals remained encamped in neighbouring countries. He hoped that the International Commission of Inquiry would help defuse tensions and promote mutual confidence along Rwanda's

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<sup>229</sup> S/1995/848.

borders. He also welcomed recent efforts to improve relations among the States in the region, which he thought should help pave the way for the proposed Regional Conference on Peace, Security and Development. The Secretary-General concluded by stating that, while Rwanda had made visible progress in its efforts to overcome the problems created by the tragic events of 1994, the country still had a long road to travel in its search for reconciliation and recovery.

At its 3588th meeting, on 17 October 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Nigeria) drew the attention of the members of the Council to a letter<sup>230</sup> dated 11 October 1995 addressed to the President of the Council from the representative of Kenya. He then stated that, following consultations among members of the Council, he had been authorized to make the following statement<sup>231</sup> on behalf of the Council:

“The Security Council has considered the Secretary-General's report on the United Nations Assistance Mission for Rwanda (UNAMIR) of 7 October 1995.

“The Security Council welcomes progress made by the Government of Rwanda in the reconciliation process, including the integration of more than 2,000 members of former Rwandan Government Forces (RGF) troops into the Rwanda Patriotic Army (RPA). The Council calls on the Government of Rwanda to intensify its contacts with all sectors of Rwandan society, except with those directly responsible for the genocide. The Council reiterates its concern at reports about continuing cross-border infiltrations from neighbouring countries which have a destabilizing effect within Rwanda. The Council also reiterates its concern at the danger for peace and stability in the Great Lakes Region which would be caused by uncontrolled arms flows and in this context reaffirms the relevant provisions of its resolution 1013 (1995). The Council condemns all acts of violence in Rwanda. The Council welcomes the fact that the Government of Rwanda has voluntarily and without delay initiated an investigation into the killing of civilians at Kanama and expects that prosecution of those responsible will follow.

“The Security Council calls again upon all States to act in accordance with the conclusions of the summit meeting of the leaders in the subregion in Nairobi in January 1995 and the recommendations by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura in February 1995. The Council welcomes recent efforts to improve relations among the States in the region, which should help pave the way

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<sup>230</sup> S/1995/861.

<sup>231</sup> S/PRST/1995/53.



for the proposed Regional Conference on Peace, Security and Development. In this regard, the Council supports the efforts of the Special Envoy of the Secretary-General to the Great Lakes region for the preparation and convening of such a conference. It requests the Secretary-General to submit his report on the results of the first round of consultations of the Special Envoy in the region as soon as possible.

“The Security Council reaffirms the important role UNAMIR has played in Rwanda and the subregion. In this respect, the Council underlines its commitment to UNAMIR which, *inter alia*, assists the Government of Rwanda in facilitating the voluntary return and resettlement of refugees and has made available to the Rwandan authorities its engineering and logistics capacity. The Council underlines that UNAMIR can effectively implement its current mandate only if it has an adequate force level and sufficient means. The Council stands ready to study carefully any further recommendations that the Secretary-General might make on the issue of force reductions in relation to the fulfilment of the mandate of UNAMIR.

“The Security Council reaffirms its view that genuine reconciliation as well as long-lasting stability in the region as a whole cannot be attained without the safe, voluntary and organized return to their country of all Rwandan refugees. In this respect, the Council welcomes the joint efforts of Rwanda, neighbouring countries and UNHCR to speed up the voluntary return of refugees through, *inter alia*, the work of the Tripartite Commissions. The Council underlines that, in order to foster the process of national reconciliation, an effective and credible national judiciary has to be established. In this respect, it welcomes the appointment of the members of the Rwandan Supreme Court. The Council further underlines that the International Tribunal for Rwanda should begin its proceedings as soon as possible. The Council calls on Member States to comply with their obligations with regard to cooperation with the Tribunal in accordance with resolution 955 (1994). It urges once more all States to arrest and detain persons suspected of genocide and other serious violations of international humanitarian law in accordance with resolution 978 (1995). The Council underlines the necessity for the Tribunal to be fully financed, as a matter of priority, and for continued access to the Voluntary Trust Fund established for the Tribunal. The Council continues to support the work of human rights monitors in Rwanda in cooperation with the Rwandan Government.

“The Security Council reaffirms its concern at the appalling situation in the Rwandan prisons. In this respect, it welcomes measures initiated by the Department of Humanitarian Affairs, in coordination with the international community and the Government of Rwanda, to alleviate the intolerable conditions in Rwandan prisons. It calls on the international community to continue its assistance in this regard and encourages the Rwandan Government to continue its efforts to improve the situation in the prisons. The Council underlines the importance of parallel action by the Rwandan Government to restore the Rwandan judicial system and requests the international community to assist the Rwandan Government in this urgent task.

“The Security Council underlines that sound economic foundations are also vital for achieving lasting stability in Rwanda. In this respect, it welcomes the increased commitments and funds pledged for the Government's Programme of National Reconciliation and Socio-Economic

Rehabilitation and Recovery following the mid-term review of the Geneva Round-Table Conference, and calls on the international community to continue to support Rwanda's rehabilitation process.

“The Security Council will remain seized of the matter.”

**Decision** of 10 November 1995: letter from the President

In a letter<sup>232</sup> dated 30 October 1995, pursuant to resolution 1011 (1995), the Secretary-General reported on his efforts and on those of his Special Envoy to prepare the Regional Conference on Security, Stability and Development in the Great Lakes Region of Central Africa. Following his return from the region where he had held high-level consultations with the OAU and the Governments of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania, his Special Envoy had reported to him that most of those Governments had supported the idea of a regional conference. However, the Government of Rwanda had expressed strong opposition to the idea of such a conference and the Government of Uganda had indicated that it was not keen to have the United Nations actively involved in that process. The Secretary-General stated that, notwithstanding those reservations, the United Nations would continue to monitor developments in the region and he would revert to the Council if conditions existed for the successful convening of a conference.

In a letter<sup>233</sup> dated 10 November 1995, the President of the Council (Oman) informed the Secretary-General of the following:

“The members of the Security Council have considered your letter of 30 October 1995 pursuant to paragraph 5 of Council resolution 1011 (1995) of 16 August 1995. They wish to give every possible support to all efforts to reduce tension and restore stability in the Great Lakes region. They are grateful for your efforts and those of your Special Envoy, Mr. José Luis Jesús, to prepare for the Regional Conference on Security, Stability and Development in the Great Lakes Region of

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<sup>232</sup> S/1995/945.

<sup>233</sup> S/1995/946.

Central Africa. They note the views expressed by the Governments of States in the region. They encourage you to continue your contacts with the aim of convening the conference.”

**Decision** of 8 December 1995 (3604th meeting): resolution 1028 (1995)

On 1 December 1995, pursuant to resolution 997 (1995), the Secretary-General submitted to the Council a further report<sup>234</sup> on UNAMIR, containing recommendations regarding the United Nations role after the conclusion of the Mission’s mandate on 8 December 1995. The Secretary-General reported that a climate of relative security and stability had continued to prevail within Rwanda, despite the absence of any discernible effort towards national reconciliation. Some improvements in the socio-economic sectors had occurred, and the first effective steps towards the revival of the national judiciary system had been taken, with the appointment of the Supreme Court on 17 October. At the same time, the former Rwandese Government forces and armed militia had continued their infiltration and sabotage campaigns along the Zaire-Rwanda border. The Secretary-General believed that the main factor that prevented a return to stability, security and harmony in Rwanda was the absence of a process of national reconciliation, which depended on the creation of conditions conducive to the return of the 1.6 million refugees outside Rwanda, and for the judgement of those accused of genocide. Overall, while progress continued to be made within Rwanda on security and normalization, an atmosphere of tension and instability pervaded the region. In the absence of the necessary consensus among the Governments concerned on the convening of a regional conference, the Secretary-General indicated that the United Nations would continue to monitor developments in the region. He informed the Council that a summit attended by the Heads of State of Burundi, Rwanda, Uganda, Zaire and a special presidential envoy from Tanzania, was held in Cairo on 28 and 29 November 1995. The Cairo declaration on the Great Lakes Region was issued, in which the parties pledged to take concrete actions to advance peace, justice, reconciliation, stability and development in the region<sup>235</sup>.

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<sup>234</sup> S/1995/1002.

<sup>235</sup> S/1995/1001, Annex.

The Secretary-General reiterated that the core issue for Rwanda remained national reconciliation. That required the rapid creation of conditions that would facilitate the safe return of 1.6 million refugees to their homes in dignity and the bringing to justice of the perpetrators of genocide. The refugees had placed formidable socio-economic and environmental burdens on the host countries, and increasing infiltration and sabotage activities by the former Rwandese Government Forces and militia had heightened tension both within Rwanda and between Rwanda and its neighbours. All those factors heightened the risk of forceful refoulement of the refugees. It was thus all the more important to address promptly the issue of the refugees' voluntary return and safe reintegration in their home communities. It was vital that neighbouring States support efforts to that end by demonstrating the political will to implement the existing agreements for refugee return contained in the Nairobi Declaration and the Bujumbura plan of action. In that connection, he noted that efforts to induce a large-scale refugee return would need to be viewed in a time-frame extending over the next three to six months, taking account of the "commonality of interest" for the return of refugees that the High Commissioner for Refugees had noted after her visit to all the countries in the region. It was in that context that a large part of the international community believed that a further six-month extension of the mandate of UNAMIR was desirable. While UNAMIR's role could only be one of facilitation, and the principal responsibility for providing security and material support for the return of the refugees lay with the Government of Rwanda, the continued presence of UNAMIR could help to build confidence among the refugees and encourage them to take the decision to return. The Government of Rwanda, however, had officially informed the Secretary-General that it did not agree to an extension of UNAMIR's mandate beyond its expiration on 8 December 1995. However, the Government had indicated that it would be receptive to a continued United Nations presence, provided its purpose was to assist Rwanda in its pressing tasks of rehabilitation and reconstruction, including the provision of technical expertise, financial assistance and equipment. Since UNAMIR could not remain in Rwanda without the consent of the Government, he Secretary-General intended to initiate the drawdown of the operation as of 8 December 1995. The Secretary-General

recalled that the overarching objective of the Organization was the restoration of peace and stability, not only in Rwanda, but in the region as a whole. That objective not only required solutions to the problems of reconciliation, justice and the return of refugees in Rwanda, but also meant tackling other problems that contributed to tension and instability in the Great Lakes region. He hoped, therefore, that continued progress in cooperation among the countries of the region would create the necessary conditions for the early achievement of such a solution. The Secretary-General recommended that the United Nations maintain a political presence in Rwanda after the withdrawal of UNAMIR. A United Nations office, headed by his Special Representative, could be established with a view to furthering, in consultation with the Government of Rwanda, the search for peace and stability through justice and reconciliation. His Special Representative would have overall authority for the coordination and expansion of the assistance that the United Nations and the international community were providing in support of Rwanda's rehabilitation and reconstruction efforts. Finally, referring to Rwanda's wish that non-lethal equipment belonging to UNAMIR be left to the Government after its departure, he noted that that was clearly an issue on which only the General Assembly could decide.<sup>236</sup>

At its 3604th meeting, on 8 December 1995, the Council included the above report in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to a letter<sup>237</sup> dated 30 November 1995 addressed to the President of the Council from the representative of Rwanda and a letter<sup>238</sup> dated 8 December 1995 addressed to the Secretary-General, transmitting the texts of two letters dated 13 August and 24 November 1995, respectively from the Minister for Foreign Affairs of Rwanda. He also drew their attention to a draft resolution<sup>239</sup> prepared in the course of the Council's prior consultations.

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<sup>236</sup> Ibid.,

<sup>237</sup> S/1995/1001.

<sup>238</sup> S/1995/1018.

<sup>239</sup> S/1995/1019.

The draft resolution was then put to the vote and adopted unanimously as resolution 1028 (1995), which reads as follows:

*The Security Council,*

*Recalling* all its previous resolutions on the situation in Rwanda, in particular its resolution 997 (1995) of 9 June 1995,

*Having considered* the report of the Secretary-General on the United Nations Assistance Mission for Rwanda (UNAMIR) of 1 December 1995,

1. *Decides* to extend the mandate of UNAMIR for a period expiring on 12 December 1995;
2. *Decides* to remain actively seized of the matter.

**Decision** of 12 December 1995 (3605th meeting): resolution 1029 (1995)

At its 3605th meeting, on 12 December 1995, the Council included the report<sup>240</sup> of the Secretary-General dated 1 December 1995 in its agenda. Following the adoption of the agenda, the Council invited the representative of Canada, at his request, to participate in the Council's discussion, without the right to vote. The President drew the attention of the members of the Council to a draft resolution<sup>241</sup> prepared in the course of the Council's prior consultations.

The representative of Canada stated that in view of the unstable situation prevailing in the Great Lakes region, his delegation would have viewed the renewal of UNAMIR's mandate, with its existing strength and composition, as a very modest but minimal and necessary stabilizing presence. It believed that UNAMIR's activities in assisting in confidence-building and in the peaceful and orderly repatriation of refugees still deserved the full support of the Government of Rwanda and of the international community. The Government of Rwanda had indicated, however, a growing reluctance to have a peace-

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<sup>240</sup> S/1995/1002.

<sup>241</sup> S/1995/1015.

keeping mission on its territory, in spite of the efforts by a number of countries to convince it that it was in its interest to maintain an effective peace-keeping operation in Rwanda. Moreover, it had sought to impose unacceptable and unworkable constraints on the continuation of UNAMIR. The troop reduction from 5,500 to 1,800 which was accepted by the Council in June was understood by the members of the Council, by the Secretariat and by troop contributors alike to be below the bare minimum for a credible mission. The further reduction of the strength of UNAMIR by one third, which the Council was about to decide, was an unfortunate development. It had allowed the Government of Rwanda to set its own conditions on the mandate and structure of the Mission, independent of expert advice as to what was required. The Council would also be compromising the integrity of a peace-keeping mission and the credibility of the Organization to fulfil the short-term, politically expedient requirement of retaining the Mission in place.

Furthermore, UNAMIR would not be able to do the job which it was designed to accomplish. Past experiences had shown that politically motivated creative ambiguity, the willingness to endlessly compromise essential Mission elements, had repeatedly compromised the United Nations, the peace-keepers and the people and interests they were meant to protect. By creating false expectations about what UNAMIR could realistically achieve, the Council would be demonstrating that it had not yet fully absorbed lessons learned from the recent past in peacekeeping operations. In particular, the United Nations must be provided with the resources it needed to perform the tasks assigned by Member States – effectively by the members of the Council. If the Member States were not prepared to provide adequate resources, the United Nations should not be involved. In the case of Rwanda, where the Government was not prepared to accept the presence of a United Nations peace operation with the force structure necessary to accomplish its mandate, it would have been preferable to withdraw UNAMIR immediately, as the Secretary-General had indicated in his report that he intended to do. He concluded by stating that given the new force structure of a limited and possibly ineffective operation,

Canada would have to consider its options carefully regarding its own participation in UNAMIR.<sup>242</sup>

Speaking before the vote, the representative of the United Kingdom stated that he believed that UNAMIR's continued presence, with its new mandate focusing on the issue of refugee return and on assisting the UNHCR in that process, would be the key to ensuring that the refugees returned home in conditions of dignity. Although that was the final extension of UNAMIR's mandate, his delegation also believed that the United Nations and the international community at large would continue to have an important role to play when UNAMIR left on 8 March 1996, and hoped that discussions could soon begin on a possible future role for the United Nations in restoring confidence and building stability in Rwanda.<sup>243</sup>

The representative of Botswana stressed that, in his delegation's view, the Cairo Conference was not intended to be a substitute for the regional conference proposed by the United Nations. The United Nations and the OAU should continue their efforts aimed at enabling the Governments of the region to find common ground on an agenda for such a conference, recalling that the Council was unanimous in its recognition of the fact that Rwanda's difficulties had subregional dimensions that required political and diplomatic solutions. Turning to the draft resolution, he stated that, although pleased with the consensus text, Botswana's preference would have been for UNAMIR's mandate to be extended by a further six months, for the reasons stated in the Secretary-General's report.<sup>244</sup>

The representative of Nigeria stated that, while recognizing the progress made in Rwanda, his delegation remained concerned about the tense security situation, particularly along the country's borders. It hoped that the International Commission of Inquiry would complete its work soon and that its findings would enable the Council to find ways of addressing the problems. Concerning the problem of the refugees, Nigeria believed that

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<sup>242</sup> S/PV.3605, pp. 2-4.

<sup>243</sup> *Ibid.*, pp. 4-5.

<sup>244</sup> *Ibid.*, pp. 6-7.



repatriation must be voluntary, safe and orderly, which inevitably carried a regional dimension. In that connection, it was the view of his delegation that the Cairo Conference, useful as it was, could not be a substitute for a United Nations conference co-sponsored by the OAU. It therefore requested the Secretary-General to continue his consultations with the countries of the region in order to find a basis for the holding of such a conference. The speaker further stated that the concern of the Government of Rwanda that the existing mandate of UNAMIR was not well suited to the needs of the Government and people for reconstruction, rehabilitation and rebuilding had much merit. Nonetheless, given the efforts that had been exerted to ensure the second deployment of UNAMIR and since UNAMIR still could make useful contributions to improving the overall situation in Rwanda, his delegation did not want UNAMIR's mandate to be terminated abruptly. It was pleased therefore that the draft resolution provided a basis for the renewal and continuation of UNAMIR, with a mandate that was appropriate to the realities in Rwanda. It would therefore vote in favour of the draft resolution, on the understanding, however, that even when UNAMIR's mandate expired on 8 March 1996, the continued presence of the United Nations would be necessary.<sup>245</sup>

According to the representative of Germany, the revised mandate of UNAMIR reflected the progress made within Rwanda towards stability and security. On the basis of the draft resolution, UNAMIR continued to have a mandate which allowed effectively to assist in the process of repatriation of refugees. Moreover, with the adoption of the draft resolution, the Council would decide upon the request of the Government of Rwanda to withdraw UNAMIR after 8 March 1996. His Government would have preferred not to decide as yet on the end of UNAMIR's mission, but it respected the wish of the Rwandan Government. He noted further that while UNAMIR continued to provide protection for the International Tribunal for Rwanda, the Government of Rwanda had insisted that it alone would provide protection for other international personnel. In that regard, his delegation would have liked a mandate with a longer term and a larger UNAMIR force since international agencies and non-governmental organizations on the ground would not be

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<sup>245</sup> *Ibid.*, pp. 7-9.

able to carry out their humanitarian and reconstruction tasks unless their safety was ensured.<sup>246</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 1029 (1995), which reads as follows:

*The Security Council,*

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

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

*Having considered* the report of the Secretary-General on UNAMIR dated 1 December 1995,

*Noting* the letters of the Foreign Minister of Rwanda to the Secretary-General of 13 August 1995 and 24 November 1995,

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

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

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

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<sup>246</sup> *Ibid.*, p. 9.

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

*Welcoming* the summit of Heads of State of the Great Lakes Region held in Cairo on 28-29 November and the Declaration of 29 November 1995 issued by them,

*Emphasizing* the importance of all States acting in accordance with the 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 and those contained in the Cairo Declaration,

*Commending* the Government of Rwanda's continuing efforts to maintain peace and security as well as to reconstruct and rehabilitate the country,

*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,

1. *Decides* to extend the mandate of UNAMIR for a final period until 8 March 1996;
2. *Decides also*, in the light of current efforts to restore peace and stability through the voluntary and safe repatriation of Rwandan refugees, to adjust the mandate of UNAMIR so that UNAMIR will:
  - (a) Exercise its good offices to assist in achieving the voluntary and safe repatriation of Rwandan refugees within the frame of reference of the recommendations of the Bujumbura Conference and the Cairo Summit of the Heads of State of the Great Lakes Region, and in promoting genuine national reconciliation,
  - (b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and, to this 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,
  - (c) Assist the United Nations High Commissioner for Refugees and other international agencies in the provision of logistical support for the repatriation of refugees,
  - (d) Contribute, with the agreement of the Government of Rwanda, to the protection of the International Tribunal for Rwanda as an interim measure until alternative arrangements agreed with the Government of Rwanda can be put in place,

3. *Requests* the Secretary-General to reduce the force level of UNAMIR to 1,200 troops to carry out the mandate set out in paragraph 2 above;
4. *Requests* the Secretary-General to reduce the number of military observers, headquarters and other military support staff to 200;
5. *Requests* the Secretary-General to initiate planning for the complete withdrawal of UNAMIR after the expiry of the present mandate, that withdrawal to take place within a period of six weeks after the expiry of the mandate;
6. *Requests* the Secretary-General to withdraw the Civilian Police component of UNAMIR;
7. *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;
8. *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 Status of Mission Agreement of 5 November 1993 and any subsequent agreement to replace that Agreement in order to facilitate the implementation of the new mandate;
9. *Calls upon* the Government of Rwanda to take all necessary measures to ensure that UNAMIR personnel and equipment that are scheduled to withdraw can do so in an orderly and safe manner;
10. *Commends* the efforts of States, United Nations agencies and non-governmental organizations 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;
11. *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 justice system;
12. *Also calls upon* States to cooperate fully with the International Commission of Inquiry established pursuant to resolution 1013 (1995);
13. *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;

14. *Requests* the Secretary-General to report to the Council by 1 February 1996 on the discharge by UNAMIR of its mandate and progress towards repatriation of refugees;

15. *Decides* to remain actively seized of the matter.

After the vote, the representative of the United States noted that the situation in Rwanda had changed significantly over the course of the presence of UNAMIR. However, the situation in the region still faced instability, due to the presence of over a million refugees just over Rwanda's borders. The United States believed that UNAMIR could play an important role in facilitating the voluntary and safe return of refugees to their former homes in Rwanda. To that end, the mandate of UNAMIR had been refocused on the range of tasks it could perform to help smooth the way for the refugees' repatriation. Another element in bringing about the return of the refugees and national reconciliation was the work of the International Tribunal for Rwanda. It was vitally important that the Tribunal had a sense of security needed to continue its impartial investigations and prosecutions. The duties of UNAMIR must therefore continue to include assisting in the protection of the Tribunal's personnel and premises until alternate arrangements were operational. The United States also expected UNAMIR to continue to assist the humanitarian agencies as the need arose. United Nations forces had the right – indeed, the obligation – to come to the aid of other United Nations and other international personnel in times of need. The speaker further stated that following the departure of UNAMIR, the United Nations would need to retain a strong presence in Rwanda to provide the assistance in reconstruction, rehabilitation, justice and political reconciliation that was needed there. He concluded by stating that the last three months of UNAMIR's mandate should be used to put into place a non-military logistics lifeline to sustain the various United Nations agencies and non-governmental organizations which had benefited from the presence of UNAMIR's extensive logistics and communications network.<sup>247</sup>

The representative of France stated that his delegation had voted in favour of resolution 1029 (1995), but had done so without fully supporting it. While his Government

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<sup>247</sup> *Ibid.*, pp. 11-12.

had taken note of the positive developments that were taking place, it remained true that Rwanda and the Great Lakes region continued to face very serious problems. Because UNAMIR had so far played a positive role, his Government had hoped that the operation would remain in place to carry out the tasks entrusted to it by the Council. Although his Government would have preferred not to take a decision as yet to end the operation in March 1996, the Government of Rwanda had taken a different decision. France noted that decision but hoped that the ultimate departure of the United Nations would not coincide with a deterioration in the situation in that part of Africa. In that regard, his Government believed that it would be even more necessary for the United Nations to play a role in Rwanda once UNAMIR had departed, and urged the Government of Rwanda to be flexible in the negotiations with the Secretariat on that question.<sup>248</sup>

The representative of Rwanda stated that national reconciliation was in progress. The new Government of Rwanda, with the cooperation of a large number of Member States, had been able to accomplish a great deal in the past few months, in spite of an acute lack of resources and limited and conditional support from some sectors of the international community. It had been able to establish a climate of security and stability within the country. Much progress had been made in economic and social rehabilitation, and the recent appointment of Supreme Court judges by the National Assembly had contributed to the revival of the national judicial system. However, despite the tremendous efforts of the Rwandese Government, problems remained, including bringing the perpetrators of genocide to justice, both nationally and internationally; putting an end to infiltration and sabotage by the former Rwandese armed forces along Rwanda's western border; the intimidation of refugees in the refugee camps; and the economic and social reconstruction of Rwanda. UNAMIR could not and was not expected to respond to any of those priorities. Nevertheless, the Government of Rwanda had appreciated the assistance provided by the Mission. UNAMIR's departure would leave a gap in terms of transportation and logistical support in areas of need in Rwanda. For that reason, based on precedents in the case of Cambodia and other United Nations peacekeeping missions, the Government of Rwanda

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<sup>248</sup> *Ibid.*, p. 13.

had requested the donation of some of UNAMIR's non-lethal equipment upon UNAMIR's departure. Such a donation would be a gesture of good will on the part of Member States and the Secretariat. The speaker further stated that the Government of Rwanda was willing to extend the presence of UNAMIR for three months on condition that its mandate be adjusted accordingly. During that period and later, the Government would continue to ensure the security of all persons in Rwanda, including United Nations personnel. Additional measures had already been agreed on between the Government of Rwanda and the International Tribunal to ensure the protection of the Tribunal personnel. Any other needs in the area of security would be considered by the Rwandese Government, as appropriate.<sup>249</sup>

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<sup>249</sup> *Ibid.*, pp. 13-15.