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ACTION AF-01

INFO	LOG-00	CIAE-00	C-01	OASY-00	DODE-00	DOEE-00	EUR-01
	HA-09	H-01	TEDE-00	INR-00	IO-16	L-01	ADS-00
	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01	PM-01	PRS-01
	P-01	SNP-00	SP-00	SS-00	TRSE-00	T-00	USIE-00
	RPE-01	/038W					

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O 051812Z JAN 94  
FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC IMMEDIATE 5438  
INFO USMISSION USUN NEW YORK PRIORITY  
AMEMBASSY ADDIS ABABA PRIORITY  
AMEMBASSY BRUSSELS PRIORITY  
AMEMBASSY BUJUMBURA PRIORITY  
AMEMBASSY DAR ES SALAAM PRIORITY  
AMEMBASSY KAMPALA PRIORITY  
AMEMBASSY KINSHASA PRIORITY  
AMEMBASSY PARIS PRIORITY  
AMEMBASSY YAOUNDE PRIORITY  
USCINCEUR VAHINGEN GE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KIGALI 00045

YAOUNDE FOR DATT

E.O. 12356: DECL:OADR  
TAGS: PGOV, RW  
SUBJECT: TRANSITION INSTITUTIONS: ONLY PRESIDENT  
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TAKES OATH OF OFFICE

REF: KIGALI 0036

1. (C) SUMMARY. PRESIDENT HABYARIMANA TOOK THE OATH OF OFFICE UNDER THE ARUSHA PEACE ACCORD MORNING OF JANUARY 5. NEITHER THE NATIONAL ASSEMBLY NOR THE GOVERNMENT HAVE YET BEEN SWORN IN. THE CONTINUING DISPUTE OVER LIBERAL PARTY DEPUTIES PROMPTED THE PRESIDENT OF THE CONSTITUTIONAL COURT AND THE DEPUTIES OF SEVERAL PARTIES, INCLUDING THE RPF, TO

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BOYCOTT THE CEREMONY. THE PRESIDENT HAS AGAIN CLAIMED THE HIGH GROUND, SAYING HE IS READY TO ADMINISTER THE OATH OF OFFICE WHEN THE DEPUTIES PRESENT THEMSELVES. END SUMMARY.

2. (U) THE PRESIDENT OF THE CONSTITUTIONAL COURT ADMINISTERED THE OATH OF OFFICE PRESCRIBED IN THE ARUSHA PEACE ACCORD TO PRESIDENT JUVENAL HABYARIMANA MORNING OF JANUARY 5. IN ACCORDANCE WITH THE TERMS OF THE ACCORD, HE IS TO REMAIN PRESIDENT DURING THE 22-MONTH TRANSITION PERIOD. IN ATTENDANCE WERE THE MEMBERS OF THE CONSTITUTIONAL COURT, THE GOVERNMENT AND THE CND (THE LEGISLATURE), THE DIPLOMATIC CORPS AS WELL AS THE CURRENT PRIME MINISTER, THE PRIME MINISTER DESIGNATE, AND THE SPECIAL REPRESENTATIVE OF THE UN SECRETARY GENERAL. THE CEREMONY WAS OVER IN FIVE MINUTES. THE PRESIDENT THEN INVITED ALL PRESENT TO RETURN AT 3 PM FOR THE SWEARING IN OF THE NATIONAL ASSEMBLY DEPUTIES AS AGREED WITH THE PRIME MINISTER THE EVENING BEFORE.

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3. (U) ON THE MIDDAY NEWS, A COMMUNIQUE ANNOUNCED THAT THE MDR (READ MDR/TWAGIRAMUNGU), PSD, PDC AND PL (READ PL/LANDO) WOULD NOT PARTICIPATE IN THE SWEARING IN CEREMONY FOR THE DEPUTIES IF THE PRESIDENT CONTINUED HIS MANEUVERS AIMED AT DELAYING THE INSTALLATION OF THE BROAD BASED GOVERNMENT. THE COMMUNIQUE NOTED THAT THE PRESIDENT HAD UNILATERALLY DECIDED NOT TO FOLLOW THE PROGRAM OUTLINED BY THE PRIME MINISTER (REFTEL), THAT THE PRESIDENT'S PROTOCOL RATHER THAN THE FOREIGN MINISTRY PROTOCOL HAD DIRECTED THE MORNING CEREMONY, AND THAT THE PRESIDENTIAL GUARD HAD TAKEN AWAY ENTRY TICKETS FROM SOME DEPUTIES-ELECT.

4. (U) AT 4 PM, THE PRESIDENT ENTERED THE ASSEMBLY HALL AND ANNOUNCED THE ADJOURNMENT OF THE SESSION. HE NOTED THE ABSENCE OF THE PRESIDENT OF THE CONSTITUTIONAL COURT, REQUIRED BY THE PEACE ACCORD TO OBSERVE THE SWEARING-IN OF THE DEPUTIES, AND THE ABSENCE OF THE DEPUTIES OF THE RPF AND THE PSD. HE SAID HE WAS READY TO ADMINISTER THE OATH AS SOON AS THOSE CONCERNED ARE READY TO PRESENT THEMSELVES. HE APPEALED TO THE ABSENT POLITICAL PARTIES TO MAKE

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EVERY EFFORT, AND TO THE INTERNATIONAL COMMUNITY TO HELP, SO THAT THE ASSMBLY AND THE GOVERNMENT CAN BE PUT IN PLACE AS SOON AS POSSIBLE. NEITHER THE CURRENT NOR THE FUTURE PRIME MINISTER WERE PRESENT.

5. (C) PRESIDENTIAL COUNSELLOR CHASTIZED THE CURRENT PRIME MINISTER FOR REVISING THE SCHEDULE FOR  
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THE CEREMONIES (REFTEL) WITHOUT CONSULTING THE PRESIDENT AFTER SHE AND HE HAD AGREED ON THE PROGRAM. HE TOLD CHARGE THE PRESIDENT FIRST HEARD HER SCHEDULE ON THE RADIO LATE LAST NIGHT.

6. (C) PRESIDENTIAL CABINET DIRECTOR ENOCH RUHIGIRA SUGGESTED TO CHARGE AFTER THE ABORTED AFTERNOON CEREMONY THAT THE ONLY SOLUTION WOULD BE FOR THE PL LEADERS TO AGREE TO DISTRIBUTE THEIR ASSEMBLY SEATS BETWEEN THE TWO FACTIONS. HE NOTED THAT IF ALL 11 WERE TO COME FROM ONE FACTION OR THE OTHER, THERE

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WOULD ALWAYS BE SOME PARTIES THAT WOULD BOYCOTT. HE CLAIMED MUGENZI HAD JUST TOLD HIM HE WOULD BE WILLING TO ACCEPT THIS APPROACH. NOTING THAT LANDO HAD AT ONE POINT BEEN WILLING TO DISCUSS SUCH AN OPTION, CHARGE ENCOURAGED HIM TO EXPLORE THIS OR ANY OPTION THAT MIGHT RESOLVE THE IMPASSE SOON. BOTH AGREED THAT ANY AGREEMENT BETWEEN THE TWO WOULD NEED ENDORSEMENT FROM OTHER PARTIES, IN PARTICULAR, THE RPF AND THE MRND.

7. (C) RPF PRESIDENT KANYARENGWE RETURNED TO MULINDI, THE RPF HEADQUARTERS IN NORTHERN RWANDA, AFTERNOON OF 1/4. WHEN UNAMIR COMMANDER GENERAL DALLAIRE WENT TO COLLECT HIM MORNING OF 1/5, HE CHOSE TO STAY IN MULINDI UNTIL HE HAD EVIDENCE THAT HIS PRESENCE WOULD BE NEEDED IN KIGALI. THE RPF HAD ALREADY LET IT BE KNOWN THAT THEY WOULD NOT PARTICIPATE IN A SWEARING-IN CEREMONY WITH THE PL/MUGENZI DEPUTIES. SOME RPF SOLDIERS WERE VISIBLE IN THE HALL DURING THE PRESIDENT'S SWEARING IN, AND A FEW OTHER RPF OFFICIALS WERE IN THE AUDIENCE, BUT NONE OF THE SENIOR LEADERS WERE PRESENT.

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8. (C) COMMENT. DEPRESSION, AND SOME FEAR, PREVAILS IN KIGALI. THE PRESIDENT HAS DEFIED THE CONSTITUTIONAL COURT BY CHOSING HIS LIST OF DEPUTIES OVER THEIRS. BUT HE HAS THROWN THE BALL IS BACK IN THE COURT OF THE PRESIDENT'S OPPONENTS. THE RPF'S RIGID POSITION ON THE PL DEPUTIES, THAT ONLY THOSE ELECTED IN SEPTEMBER CAN SIT IN THE ASSEMBLY, MAY  
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PREVENT LANDO FROM CUTTING A DEAL WITH MUGENZI EVEN IF MUGENZI IS WILLING. THE OPTION OF HAVING PL DEPUTIES TAKE THE OATH LATER IS ALSO APPARENTLY UNACCEPTABLE TO THE RPF.

9. (C) COMMENT CONTINUED. AS LONG AS THE STALEMATE PERSISTS, RWANDA IS IN THE UNTENABLE POSITION OF HAVING A PRESIDENT SWORN IN UNDER THE THE ARUSHA ACCORD WHOSE POWERS ARE CONSIDERABLY REDUCED AND A LAME-DUCK GOVERNMENT AND NATIONAL ASSEMBLY WHOSE DECISION-MAKING AUTHORITY IS PROSCRIBED BY A JUDICIAL RULING. AS THE PRESIDENT TOLD THE DIPLOMATS EARLIER IN THE WEEK, "MY TAKING THE OATH OF OFFICE WILL RESOLVE NOTHING." BUT IT DOES KEEP HIM LEGAL: HIS CURRENT FIVE-YEAR TERM EXPIRES JANUARY 8.

LEADER

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