

115/23/37

Your file: 3/88/1

Our file: 701/19/1/3/7

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FROM:	WELLINGTON	C24774/WN1	21-Jun-1994
TO:	NEW YORK	WGTN UNSC	Immediate
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P/S MFA

DEFENCE HQNZDF (DSIA, OPS, DDI)

DEFENCE MOD (GENTLES)

Subject

U52262: SECURITY COUNCIL: RWANDA: GENOCIDE FOLLOW-UP

Your C04644.

Summary

- The Minister agrees that you may co-sponsor the Spanish draft resolution, but co-sponsorship should be conditional on Spain agreeing to hold back until the dust enveloping the French intervention initiative has settled.
- Our comments on the revised text of the resolution are set out below.

Co-Sponsorship

2 Acknowledging the logic in para 3 of your C04644, and given the parallels between Res 780 and the Spanish draft, the Minister has agreed in principle to New Zealand co-sponsorship of the draft resolution establishing a Commission of Experts for Rwanda.

3 It has been agreed that New Zealand co-sponsorship of this resolution would reflect and reinforce our condemnation of the atrocities which are being committed in Rwanda. Co-sponsorship of the Spanish resolution would also be an appropriate follow-on from our support for the resolution on Rwanda adopted at the Special Session of the Commission on Human Rights in Geneva in

May, which called for (inter alia) further investigation of human rights abuses occurring in Rwanda.

4 That said, we agree that it will be critical for the successful adoption of the Spanish resolution that it not be derailed by the French intervention initiative in the interim. New Zealand support for the Spanish proposal should therefore be conditional upon Spain agreeing to hold back briefly to allow the situation to settle down.

Draft Resolution

5 We note that some aspects of the drafting in the preambular paragraphs have already been tightened up (eg "enable the determination of responsibility" has replaced "definite culpability" in PP 4), but leave it to your discretion to suggest any minor drafting changes as you see fit (your para 6 refers).

6 New PP 7 is particularly interesting: we have been unable as yet to locate a precedent for such explicit linkage between the application of international humanitarian law and the fulfilment of the Council's primary responsibility under the Charter to maintain international peace and security. We are not saying that we have any objection to the proposition, but we should be interested to know whether it is novel and the background to this paragraph.

7 Our comments on the deletion of "grave" (our U51656 of 13 June refers) from OPs 2 and 3 are still valid.

8 We note that "breaches of the Convention on Genocide" in OP 2 of the earlier Spanish text has been deleted and replaced with "possible acts of genocide". We assume this substitution was a political decision, to ensure as much support as possible for the draft resolution. While a stronger reference in OP 2 may have been preferable, we are pleased that the reference in OP3 to the Convention on Genocide has been retained.

9 We have no difficulty with new OPs 5-7:

OP5 - we agree that the Special Rapporteur deserves a special reference, and it is only sensible that his efforts should be coordinated with those of the Commission of Experts.

OP6 - "all concerned" in OP 6 is all-encompassing, but sufficiently general so as not to cause particular affront.

OP7 - new OP 7 goes some of the way to allay British concerns, which we share, about sources of funding for the Commission. As you note, as a co-sponsor we may feel ourselves under a greater obligation to contribute.

End Message