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	EB-01	EUR-01	HA-09	H-01	INRE-00	INR-01	IO-19
	LAB-04	L-03	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02
	OMB-01	PA-01	PM-01	PRS-01	P-01	RP-10	SIL-01
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 FM AMEMBASSY NAIROBI
 TO SECSTATE WASHDC PRIORITY 0161
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 AMEMBASSY LONDON PRIORITY
 AMEMBASSY BONN PRIORITY

Dept of State, RPS/IPS, Margaret P. Grafeld, Dir.
 (X) Release () Excise () Deny (i) Declassify
 Date 9/18/98 Exemption _____

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STATE FOR AF AND RP, USIA, USAID

E.O. 1236:DECL;OADR
 TAGS: MOPS, PREL, PHUM, RW
 SUBJECT: ARUSHA II - PACT ON RULE OF LAW CONCLUDED

1. [REDACTED]
1. SUMMARY. RWANDA FOREIGN MINISTER NGULINZIRA AND

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RWANDAN PATRIOTIC FRONT (RPF) COMMISSIONER BIZIMUNGU SIGNED IN ARUSHA, ON AUGUST 18, A PROTOCOL ON THE RULE OF LAW WHICH WILL FORM THE FIRST PART OF A PEACE AGREEMENT BETWEEN THE TWO PARTIES. TALKS ON POWER-SHARING WITHIN AN ENLARGED TRANSITIONAL GOVERNMENT BEGIN SEPTEMBER 7. NEGOTIATIONS THIS ROUND WERE TOUGH, TWICE CLOSE TO RUPTURE, BUT FINALLY PRODUCED A DOCUMENT NOTABLE FOR ITS LIBERALITY. END SUMMARY.

ATMOSPHERICS

2. IF YOU WANT TO LEARN WHY A REFUGEE SHOULD NOT HAVE A VOLUNTARY RIGHT OF RETURN, WHY TOLERANCE IS INTOLERABLE, WHY THE RIGHT TO DIFFER IS A DANGEROUS CONCEPT OR WHY ONE OF AFRICA'S MOST DEEPLY-DIVIDED COUNTRIES SHOULD REJECT RIGHTS FOR MINORITIES THEN ATTEND A DISCUSSION OF POLITICAL PRINCIPLES AMONG OPPOSING FACTIONS OF RWANDAN INTELLIGENTSIA. FRENCH PHRASINGS, CARTESIAN LOGIC AND RWANDAN HISTORICAL PERCEPTIONS COMBINED TO CREATE A WONDERLAND OF

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POLITICAL DEBATE. RPF NEGOTIATOR PASTEUR BIZIMUNGU WAS AGRESSIVE AND OFTEN INSULTING, REPEATEDLY CHARACTERIZING THE CURRENT POLITICAL SYSTEM IN RWANDA AS DICTATORIAL WHILE CLAIMING THAT THE COALITION GOVERNMENT WAS NEITHER DEMOCRATIC NOR IN CHARGE OF RWANDAN ADMINISTRATION. FOREIGN MINISTER BONIFACE NGULINZIRA, CONSTANTLY CONSULTING WITH HIS OVER-SIZED DELEGATION, GENERALLY HELD THE HIGH GROUND AND KEPT CLOSE TO LANGUAGE WHICH THE GOVERNMENT WANTED. HE TOSSED THE FOX IN THE CHICKEN COOP, HOWEVER, WHEN EXASPERATED BY RPF INTRANSIGENCE HE ASSERTED, "THE GOVERNMENT'S COMMITMENT TO DEMOCRATIC CHANGE IS IRREVOCABLE; THAT PROCESS WILL GO ON WITH OR WITHOUT RPF PARTICIPATION." RPF ALSO FOUND HIS ATTITUDE TOWARD REFUGEES AND HIS INVITATION TO JOIN THE GOVERNMENT EFFORT CONDESCENDING AND PATRONIZING.

IMPASSES

3. NEGOTIATIONS NEVER GOT STARTED BEFORE THEY REACHED AN IMPASSE OVER AND WHETHER OR NOT A GENERAL

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DEBATE ON PRINCIPLES OF GOVERNANCE WOULD PROCEED NEGOTIATION ON PRINCIPLES. IT TOOK TWO DAYS OF CORRIDOR WRANGLING (DURING WHICH TANZANIAN MINISTER OF SCIENCE AND HIGHER EDUCATION MPAKA REPLACED FOREIGN MINISTER DIRIA AS FACILITATOR) BEFORE THE SESSION REALLY GOT STARTED. OBSERVERS HOPED THAT AN ACRIMONIOUS BUT CARTHATIC GENERAL DEBATE WOULD LET THE PARTIES GET DOWN TO SERIOUS NEGOTIATIONS AND COMPROMISE. THEY WERE DISAPPOINTED; ALMOST

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PAGE 04 NAIROB 18628 01 OF 03 201412Z IMMEDIATELY NEGOTIATORS LOCKED HORNS ON THE ISSUE OF WHETHER RWANDAN REFUGEES' "INALIENABLE RIGHT OF RETURN" SHOULD BE QUALIFIED BY THE TERM "VOLUNTARY." IN AN EMOTIONAL STATEMENT, DR BIHOZAGARA WHO FLED TO BURUNDI AFTER HIS PARENTS WERE SLAUGHTERED IN 1963 ARGUED THAT, AFTER THIRTY YEARS LIVING AS A REFUGEE IN AFRICA AND EUROPE, THE RIGHT TO RETURN AS A RWANDA CITIZEN MEANT INFINITELY MORE TO HIM THAT ANY INTERNATIONALLY-GUARANTEED REFUGEE RIGHTS. THE RPF FINALLY AGREED TO OBSERVERS' PHRASING: "THEY UNDERTAKE NOT TO HINDER THE FREE EXERCISE OF THIS RIGHT (OF RETURN) BY THE REFUGEES.

4. THE DISCUSSION ON DEMOCRACY IMMEDIATELY REVEALED

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RPF DETERMINATION TO HAVE THE "BROAD-BASED
 TRANSITIONAL GOVERNMENT" OF THE ARUSHA ACCORD CHARGED
 WITH CARRYING OUT THE AGENDA OF DEMOCRATIC CHANGE.
 THE GOVERNMENT SIMILARLY WAS ANXIOUS THAT RPF
 RECOGNIZE A PROCESS OF DEMOCRATIC CHANGE ALREADY
 UNDERWAY. NEGOTIATIONS WENT INTO A TWO-DAY STALL.
 THE GOVERNMENT APPARENTLY ACCEPTED A CORRIDOR
 COMPROMISE BROKERED BY BURUNDI, BUT BACK AT THE TABLE
 INSERTED PREJUDICIAL LANGUAGE DRAFTED BY RWANDAN

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AMBASSADOR TO UGANDA KANYARUSHOKI. BIZIMUNGU SUSPENDED NEGOTIATIONS. REPORTEDLY, THE FOREIGN MINISTER HAD TO CALL THE RWANDA PRIME MINISTER TO GET PERMISSION TO DROP KANYARUSHOKI'S AMENDMENT AND BREAK THE DEAD-LOCK.

DELIMITING THE FUTURE

5. HAVING AGREED TO PUT TROUBLESOME QUESTIONS AT THE END OF THE DOCUMENT, THE PARTIES PROCEEDED TO DEAL SYSTEMATICALLY WITH ISSUES OF DEMOCRACY BUT NOT WITHOUT ESOTERIC DEBATE OVER THE MEANING OF: POPULAR SOVEREIGNTY, "FAIR" ELECTIONS, MULTIPARTISM, ECONOMIC PLURALISM, AND TOLERANCE. OBSERVERS CAME TO



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REALIZE THAT UNIVERALLY-RECOGNIZED PRINCIPLES TAKE ON SPECIAL MEANINGS IN THE RWANDAN CONTEXT. HAVING BEEN DISADVANTAGED OR EXCLUDED FOR 20 YEARS BY THE RWANDAN VERSION OF "AFFIRMATIVE ACTION," TUTSI MEMBERS OF RPF WANTED NOTHING IN THE DOCUMENT THAT HINTED OF MAJORITY RULE, MINORITY RIGHTS, OR DISTINCTIONS AMONG PEOPLES. THEY RATHER CHOSE TO STAKE THEIR POLITICAL FUTURE ON A STRONG AFFIRMATION OF INDIVIDUAL RIGHTS AND POPULAR SOVEREIGNTY. THIS FIT THE GOVERNMENT'S ASPIRATIONS AS WELL AS LONG AS THE RPF WOULD COMMIT TO PLURALISM AND "REGULAR, FREE, TRANSPARENT AND FAIR ELECTIONS." THE RPF FINALLY DID.

6. HAVING WORKED THEIR WAY THROUGH THE PRINCIPLES, THE TWO PARTIES PARTED AGAIN ON THE QUESTION OF WHETHER PROGRESS TOWARD THESE PRINCIPLES WAS ALREADY UNDERWAY IN RWANDA. AMBASSADOR PAPA LOUIS FALL, REPRESENTATIVE OF OAU CHAIRMAN DIOUF, CAME UP WITH A FORMULATION IN WHICH THE TWO PARTIES NOTE: "THAT A POLITICAL PROCESS HAS BEEN INITIATED BY THE RWANDESE PEOPLE TO ENSURE THE PROGRESS OF DEMOCRACY AND REAFFIRM THE NEED TO BUILD TOGETHER A SOCIETY FOUNDED ON THE RULE OF LAW." AFTER A SPEECH IN WHICH HE ACCUSED RWANDAN OPPOSITION PARTIES OF COHABITING WITH FASCIST DICTATORSHIP, THE RPF NEGOTIATOR, UNDER STRONG PRESSURE FROM MINISTER MPAKA, FINALLY ACCEDED TO THE SENEGALESE ADMENDMENT.

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7. NEGOTIATIONS ON THE FINAL SUBJECT--HUMAN RIGHTS--PROCEEDED QUICKLY: THE RWANDAN GOVERNMENT SURPRISED ALL OBSERVERS BY ACCEPTING RPF PROPOSALS TO

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ESTABLISH AN INDEPENDENT HUMAN RIGHTS COMMISSION AND "AN INTERNATIONAL COMMISSION OF ENQUIRY TO INVESTIGATE HUMAN RIGHTS VIOLATIONS COMMITTED DURING THE WAR." IN FACT, THE GOVERNMENT HAD ALREADY PUSHED THROUGH PROVISIONS SETTING UP SUCH ORGANS, A RABBIT OUT THE HAT WHICH THE FOREIGN MINISTER COULD NOT HELP BUT GLOAT OVER IN HIS CONCLUDING SPEECH. IN HIS FINAL REMARKS, COMMISSIONER BIZIMUNGU SAID THAT THE RPF WOULD NOT SELL ITSELF FOR A FEW MINISTERIAL PORTFOLIOS NOR COOPERATE WITH THE DICTATORIAL SYSTEM STILL IN PLACE. IF HE MEANS WHAT HE SAYS, THE NEXT ROUND ON POWER-SHARING IN A BROAD-BASED TRANSITIONAL GOVERNMENT SHOULD BE VERY DIFFICULT INDEED.

WRAP-UP

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8. RPF STRATEGIST DR. RUDASINGWA TOLD ME THAT HIS SIDE WAS HAPPY WITH THE NEGOTIATED PROTOCOL BECAUSE IT REAFFIRMED THE CENTRALITY OF THE TRANSITION PERIOD AND "DEMYSTIFIED" ALLEGATIONS REGARDING RPF'S COMMITMENT TO DEMOCRATIC PRINCIPLES. FOREIGN MINISTER NGULINZIRA SAID THE PROTOCOL WAS A SOLID DOCUMENT CONTAINING THE PRINCIPLES HIS GOVERNMENT WANTED DELIMITED AND DRAWING THE RPF INTO THE DEMOCRATIC PROCESS. I URGED BOTH PARTIES TO INITIATE INFORMAL CONTACTS BEFORE THE NEXT SESSION SO AS TO BE AWARE OF THE ASPIRATIONS OF EACH AND TRACE OUT THE

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LIMITS OF THE POSSIBLE. THE GOVERNMENT SEEMED MORE OPEN TO THIS SUGGESTION THAN RPF WHICH SEES ITS STRENGTHS IN NEGOTIATION RATHER THAN DIALOGUE.

9. THE RESULT OF THESE BYZANTINE NEGOTIATIONS IS A SURPRISINGLY LIBERAL DOCUMENT, REAFFIRMING IN SEVERAL WAYS BASIC HUMAN LIBERTIES AND CONDITIONS OF DEMOCRATIC GOVERNANCE. BOTH PARTIES WERE DETERMINED TO GET THE PRINCIPLES STRAIGHT BEFORE PROCEEDING TO MODALITIES; BOTH ALSO HAD NO LOVE FOR CENTRALIZED SYSTEMS OF GOVERNANCE UNDER WHICH THEY HAD VARIOUSLY SUFFERED. THE PARTIES ARE STILL MILES APART, HOWEVER, ON HOW THEY CONCEIVE THE NEXT STAGES OF

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NEGOTIATION. THE CENTRAL ISSUE WILL REMAIN RPF'S HOPE FOR RADICAL CHANGE AGAINST THE GOVERNMENT'S CHAMPIONSHIP OF CONTINUITY.

10. FOR DAKAR; THE OBSERVERS' GROUP HOPES YOU CAN (WITH THE DEPARTMENT'S CONCURRENCE) EXPRESS TO THE SENEGALESE GOVERNMENT THEIR PROFOUND APPRECIATION FOR THE MOST HELPFUL ROLE WHICH AMBASSADOR PAPA LOUIS FALL PLAYED AS SPOKESMAN FOR THE OBSERVERS. HE TOOK OBSERVERS' SUGGESTIONS, PHRASINGS AND CONCERNS TO BOTH PARTIES, SKILLFULLY LEADING THEM TO AGREED COMPROMISE. OBSERVERS TRUST THAT FALL WILL BE PERMITTED TO STAY THROUGH THE ENTIRE NEXT SESSION BEFORE HEADING TO HIS GENERAL ASSEMBLY RESPONSIBILITIES.

11. FOR DAR ES SALAAM. MINISTER MPAKA WAS SUPERB IN HELPING NEGOTIATORS FOCUS ON AREAS OF DISAGREEMENT, JOLLYING THEM ALONG IN PLENARY MEETINGS AND KNOCKING THEIR HEADS TOGETHER IN LATE-NIGHT PRIVATE SESSIONS. THE NATURE OF THESE DISCUSSIONS IS SO PECULIAR TO THE CONTEXT OF RWANDA'S TROUBLES THAT HIS EXPERIENCE DURING THE FIRST SESSION WOULD BE INVALUABLE IN FACILITATING THE SECOND ROUND. SINCE, FOREIGN MINISTER DIRIA WILL BE AT THE NON-ALIGNED SUMMIT, MPAKA, HOPEFULLY, WILL BE AGAIN MWINYI'S REPRESENTATIVE. HEMPSTONE