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FM USMISSION GENEVA
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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
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Date 4/5/99 Exemption _____

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DEPT FOR IO (BENNET), DRL (SHATTUCK), AF (MOOSE), L (NIX),
USUN/W (SCHEFFER)

ALSO PASS USAID FOR CHIEF OF STAFF MCCALL, OTI (BARTON)

E.O. 12356: N/A
TAGS: PHUM, AORC, EAID, UNDP, RW
SUBJECT: MGRW02: AMBASSADOR'S MEETING WITH HCHR AYALA
LASSO: COORDINATING HUMAN RIGHTS ACTIVITIES IN RWANDA

REF: A) STATE 230721, B) GENEVA 7404, GENEVA 7470

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SUMMARY

1. HCHR AYALA LASSO FEELS HE HAS A RESPONSIBILITY TO
COORDINATE ALL ASPECTS OF THE UN'S HUMAN RIGHTS ACTIVITIES
IN RWANDA, INCLUDING SUPPORT FOR THE COMMISSION OF
EXPERTS. HE APPRECIATES U.S. ASSISTANCE OFFERED TO THE
COMMISSION, BUT BELIEVES DIRECT SECONDMENT IS PREFERABLE
TO HAVING AN FSO ASSIGNED AS "LIAISON OFFICER." AYALA
SEES THE ACTIVITIES IN RWANDA RUNNING IN THREE PHASES --

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MONITORING, INVESTIGATING, AND ASSISTING -- WHICH MIGHT OVERLAP BUT NEED NOT CONFLICT. HE POSED NO OBJECTION TO U.S. FUNDING FOR THE MONITORS BEING CHanneled THROUGH UNDP, AGREED TO SPEAK WITH COUNTRIES BEYOND THE USUAL WESTERN DONORS, AND WELCOMED USAID'S OFFER TO SEND AN OFFICER FOR DISCUSSIONS WITH THE HUMAN RIGHTS CENTER THIS WEEK ON HOW TO SHAPE THE PROGRAM FOR THE FUTURE.

CONTACTS WITH THE COMMISSION OF EXPERTS

2. AMB. SPIEGEL CALLED MONDAY MORNING ON JOSE AYALA LASSO, HIGH COMMISSIONER FOR HUMAN RIGHTS, TO BRIEF HIM ON MISSION CONTACTS WITH THE COMMISSION OF EXPERTS AND OTHER U.S. INITIATIVES ON RWANDA. SPIEGEL EXPLAINED THAT, DURING THE HCHR'S TRIP TO RWANDA, HE HAD MADE AN INITIAL CALL ON THE COE, OFFERING U.S. ASSISTANCE IN THEIR EFFORT AND URGING THEM TO CONSIDER ISSUING AN INTERIM REPORT SOON WITH A RECOMMENDATION THAT AN INTERNATIONAL TRIBUNAL BE ESTABLISHED. THE AMBASSADOR'S SECOND CALL ON THE COMMISSIONERS, LAST FRIDAY, WAS TO FOLLOW-UP, BY A)

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HANDING OVER THE INITIAL U.S. REPORT UNDER PARAGRAPH 2 OF UNSC RES 935; B) INFORMING THE COMMISSIONERS OF OUR INTENTION TO MAKE FSO GREG STANTON AVAILABLE TO SERVE AS LIAISON BETWEEN THE COMMISSION AND THE U.S. EMBASSY; C) TO INFORM THE COE THAT A TEAM OF U.S.-SPONSORED INVESTIGATORS WOULD GO TO RWANDA FROM MID-SEPTEMBER TO CONDUCT ON-SITE INVESTIGATIONS AND TURN THE RESULTS OVER TO THE COMMISSIONERS; AND D). TO OFFER THE SERVICES OF A TEAM OF FORENSIC EXPERTS ONCE A DETAILED WORK PLAN WAS AVAILABLE TO INDICATE HOW THEY WOULD BE EMPLOYED. HE HAD ALSO REITERATED THE U.S. DESIRE THAT THE INTERIM REPORT WHICH THE COMMISSIONERS WERE PLANNING TO ISSUE IN MID-SEPTEMBER SHOULD INCLUDE A CALL FOR ESTABLISHMENT OF A TRIBUNAL. SUCH A BODY WAS DESIRED BY BOTH THE GOVERNMENT OF RWANDA AND THE SECRETARY-GENERAL, AND THE COMMISSIONER'S REQUEST WOULD START THE BALL ROLLING AMONG THE SECURITY COUNCIL MEMEBRS.

AYALA'S RESPONSE

3. SPIEGEL STRESSED THAT OUR OFFERS WERE BASED ON THE

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ASSISTANCE WHICH HAD BEEN GIVEN TO THE COMMISSION OF EXPERTS ESTABLISHED ON THE FORMER YUGOSLAVIA. HE UNDERSTOOD THAT THE PERCEPTION OF HAVING AN AMERICAN "LIAISON OFFICER" MIGHT BE UNHELPFUL, AND TOLD THE HCHR THAT THE U.S.G. WAS PREPARED TO MAKE MR. STANTON AVAILABLE ON SECONDMENT, TO WORK DIRECTLY FOR THE COMMISSION, IF THAT WAS PREFERRED BY THE HIGH COMMISSIONER, AS HE HAD INDICATED TO THE AMBASSADOR BY PHONE OVER THE WEEKEND. THE HIGH COMMISSIONER APPRECIATED SPIEGEL'S CLARIFICATION

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ON THE MEETINGS. HE NOTED THAT THERE HAD BEEN NO HCHR WHEN THE YUGOSLAVIA COMMISSION WAS ESTABLISHED, BUT THAT THIS TIME THE SYG HAD ENTRUSTED OVERALL COORDINATION OF RWANDA-RELATED HUMAN RIGHTS ACTIVITIES TO HIM, AND HE WANTED TO ENSURE THAT THE THREADS DID NOT GET TANGLED. THERE HAS ALREADY BEEN CONFUSION OVER VARIOUS APPEALS FOR RWANDA (BY THE SPECIAL RAPPORTEUR, THE COMMISSIONERS, THE HCHR ON AUGUST 2ND); NOW THE SPECIAL REPRESENTATIVE OF THE SYG HAD WRITTEN ASKING FOR 70 MORE OFFICERS, TO WORK UNDER HIS OFFICE IN KIGALI. THE HCHR WANTED TO CENTRALIZE AND RATIONALIZE THIS CONFUSION OF REQUESTS, NOTING THAT THE PRESIDENT AND

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PRIME MINISTER OF RWANDA LAST WEEK HAD ACCEPTED HIS

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 PROPOSALS.

 THREE PHASES FOR HUMAN RIGHTS ACTIVITIES

4. IN RESPONSE TO SPIEGEL'S COMMENT THAT THERE IS STILL
 CONFUSION OVER THE CONFLICTING ROLES OF THE HUMAN RIGHTS
 MONITORS AND THE INVESTIGATORS, AYALA SKETCHED OUT HIS
 CONCEPT OF THE UNIFIED OPERATION, WHICH HE SAW IN THREE
 PHASES. PHASE ONE WOULD BE THE CONFIDENCE-BUILDING PHASE,
 WITH THE MONITORS' PRESENCE LEADING TO THE RETURN OF
 REFUGEES. (IF THEY LEARNED OF CASES OF MASSIVE VIOLATIONS
 OR GENOCIDAL ACTS, THEY WOULD OF COURSE BEGIN COMPILING A
 FILE ABOUT IT.) THE SECOND PHASE WOULD INCLUDE THE WORK
 OF PROFESSIONAL CRIMINAL INVESTIGATORS AND FORENSIC
 EXPERTS, MAINLY ASSISTING THE COMMISSION OF EXPERTS. THE
 THIRD PHASE WOULD BE A PROGRAM OF ADVISORY SERVICES AND

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TECHNICAL ASSISTANCE TO HELP RWANDA REBUILD A CIVIL SOCIETY. AYALA SAW A CLOSE LINK BETWEEN THE FIRST AND THIRD PHASES, BUT RECOGNIZED THAT THE FIRST AND SECOND WOULD PARTIALLY OVERLAP. CONCERNING THE U.S. OFFICER, AYALA FELT THAT SECONDMENT TO WORK FOR THE COMMISSION WAS MUCH BETTER THAN HIS CONTINUING TO WORK FOR THE U.S.G. (LATER, AN AIDE STRESSED TO US THE HIGH COMMISSIONER'S PREFERENCE THAT STANTON BE SECONDED DIRECTLY TO THE HCHR'S OFFICE, BUT IDENTIFIED AS ASSIGNED TO WORK WITH THE COE.)

HOW WE'LL FUND THE MONITORS

5. TURNING TO U.S. FUNDING FOR THE HUMAN RIGHTS MONITORS, LIMITED OFFICIAL USE

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SPIEGEL EXPLAINED THAT OUR PREFERENCE HAD BEEN TO MAKE THE U.S. CONTRIBUTION OF 750,000 DOLLARS DIRECTLY TO THE VOLUNTARY FUND FOR STRENGTHENING THE HUMAN RIGHTS CENTER. HOWEVER, AFTER CONVERSATIONS LAST WEEK WITH USAID AND WITH THE OFFICE OF UNDP ADMINISTRATOR SPETH, HE HAD AGREED IT MADE BETTER SENSE TO CHANNEL THE U.S. FUNDS THROUGH UNDP. THIS WOULD ENABLE UNDP TO ADVANCE A TOTAL OF ONE MILLION DOLLARS TO THE CENTER, AS THEY WOULD BE CERTAIN THAT THEY WOULD RECEIVE THE U.S. PAYMENT OF 3/4 THAT AMOUNT, A REQUIREMENT UNDER THEIR FINANCIAL REGULATIONS. SPIEGEL CALLED THE DECISION TO TRANSFER THE FUNDS THIS WAY "A DISTINCTION WITHOUT A POLITICAL DIFFERENCE," STRESSING THAT IT WOULD MAKE FUNDS AVAILABLE TO THE CENTER VERY QUICKLY. REPLYING THAT HE DID NOT WANT SUCH ADMINISTRATIVE QUESTIONS TO BE AN OBSTACLE TO RAPID DISBURSEMENT OF FUNDS AND THE RESULTING DEPLOYMENT OF MONITORS, AYALA ASKED SPIEGEL TO CONFIRM THIS UNDERSTANDING BY LETTER. (IN A SUBSEQUENT CONVERSATION WITH THE DCM, ASYG FALL ALSO CONFIRMED THAT THIS PROCEDURE WAS FINE WITH HIM. IN FACT, HE NOTED, THIS WAY THE CENTER WOULD AVOID HAVING TO PAY INTEREST TO UNDP. FALL PROMOSED TO CALL UNDP'S LAUZON DIRECTLY LATER MONDAY TO CLOSE THE LOOP.)

OTHER FUNDING SOURCES

6. SPIEGEL AGREED TO PROVIDE THE LETTER REQUESTED, THEN ENCOURAGED THE HCHR TO TURN BEYOND THE USUAL CIRCLE OF

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WESTERN DONORS FOR CONTR
IBUTIONS TO THE MONITORING
OPERATION. WE HAD ALREADY BEEN IN TOUCH WITH A NUMBER OF
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NON-TRADITIONAL DONORS (SAUDI ARABIA, ISRAEL), HE SAID,
AND THE HCHR MIGHT HAVE SIMILAR SUCCESS WITH COUNTRIES
SUCH AS CHILE, ARGENTINA, BRAZIL, VENEZUELA, COLOMBIA, OR
EVEN KOREA. AYALA AGREED IT WAS WORTH A TRY, NOTING THAT
HIS PROPOSAL TO HAVE UP TO 140 MONITORS WOULD REQUIRE SOME
USD 14 MILLION FOR SIX MONTHS.

MOVING BEYOND MONITORING

7. HE NOTED THAT THE RWANDAN AUTHORITIES HAD AGREED TO
HIS PROPOSAL FOR A PROGRAM OF ADVISORY SERVICES AND
TECHNICAL ASSISTANCE FROM THE HUMAN RIGHTS CENTER; THIS
PROGRAM WOULD INCLUDE TRAINING PROJECTS FOR RWANDANS IN
THE POLICE AND JUDICIARY, AS WELL AS HUMAN RIGHTS
EDUCATION AND OTHER EFFORTS TO BUILD A CIVIL SOCIETY BASED

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ON RULE OF LAW. HE EXPRESSED APPRECIATION FOR THE OFFER

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BY USAID CHIEF OF STAFF MCCALL TO HAVE AN OFFICER TRAVEL
TO GENEVA FOR CONSULTATIONS WITH THE CENTER ON HOW BEST TO
DEVELOP SUCH A PROGRAM AND HOPED THAT VISIT COULD OCCUR
THIS WEEK. AYALA ALSO WELCOMED THE U.S. OFFER OF
POTENTIAL CANDIDATES TO SERVE AS MONITORS; ANY SUGGESTIONS
FOR TEAM LEADER WOULD ALSO BE WELCOME, PROVIDED THEY HAVE
A SOLID UNDERSTANDING OF HUMAN RIGHTS ISSUES AND CAN SPEAK
FRENCH.

8. IN CLOSING, THE HIGH COMMISSIONER STRESSED AGAIN HIS
BELIEF THAT THE OVERALL HUMAN RIGHTS EFFORT FOR RWANDA
NEEDED TO BE COORDINATED BY HIS OFFICE. HE FELT IT VERY
IMPORTANT TO COOPERATE WITH THE COMMISSION OF EXPERTS,
WHICH WAS AS INEXPERIENCED IN THIS FIELD AS EVERYBODY
ELSE. HE HAD ESTABLISHED A "TASK FORCE," DRAWN FROM ALL
THOSE IN THE CENTER WORKING ON AN ELEMENT OF THE RWANDA
PROBLEM, WHICH WOULD MEET DAILY UNDER HIS DIRECTION TO
CHECK SIGNALS. HE HAD ALSO CANCELLED HIS PLANS TO ATTEND
THE CAIRO CONFERENCE ON POPULATION IN ORDER TO REMAIN IN

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GENEVA AND WORK ON THIS ISSUE.

COMMENT

9. THIS CONVERSATION HELPED TO CLEAR THE AIR ON A FAST-MOVING AND OFTEN POORLY COORDINATED HUMAN RIGHTS EFFORT. AYALA'S THINKING IS FINALLY BEGINNING TO CRYSTALLIZE, PERHAPS DUE TO OUR ENCOURAGEMENT. MISSION WILL CONTINUE OUR CLOSE CONTACTS WITH ALL THE PLAYERS TO ENSURE THEY ARE WORKING WELL TOGETHER. AYALA'S COMMITMENT TO SEND 26 MONITORS TO RWANDA BY THE END OF AUGUST IS

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AMBITIOUS, ALTHOUGH HE IS DETERMINED TO FURTHER AUGMENT THE NUKMBERS. HOW HE WILL OBTAIN AN ADDITIONAL USD 12 MILLION TO FUND 100-PLUS MONITORS FOR SIX MONTHS IS HIS PRINCIPAL CHALLENGE. SPIEGEL

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