

UNCLASSIFIED

LIMITED OFFICIAL USE

RELEASED IN FULL

PAGE 01 DAR ES 05305 01 OF 03 151232Z  
ACTION AF-01

INFO	LOG-00	AMAD-01	CIAE-00	PFIP-01	C-01	DODE-00	EUR-01
	HA-09	H-01	INRE-00	INR-01	IO-19	L-03	ADS-00
	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01	PM-01	PRS-01
	P-01	SNP-01	SP-01	SSO-00	SS-01	TRSE-00	T-01
	USIE-00	/049W					

-----618E27 151232Z /38

O 151227Z SEP 92  
FM AMEMBASSY DAR ES SALAAM  
TO SECSTATE WASHDC IMMEDIATE 8842  
INFO AMEMBASSY KIGALI IMMEDIATE  
AMEMBASSY ADDIS ABABA  
AMEMBASSY BAMAKO  
AMEMBASSY BONN  
AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
AMEMBASSY COTONOU  
AMEMBASSY DAKAR  
AMEMBASSY HARARE  
AMEMBASSY KAMPALA  
AMEMBASSY LAGOS  
AMEMBASSY LONDON  
AMEMBASSY NAIROBI  
AMEMBASSY PARIS

LIMITED OFFICIAL USE SECTION 01 OF 03 DAR ES SALAAM 05305

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 DAR ES 05305 01 OF 03 151232Z  
PARIS FOR PERLOW; LONDON FOR MCKINLEY

E.O. 12356: DECL: N/A  
TAGS: PREL, AORC, OAU, MOPS, RW, TZ  
SUBJECT: ARUSHA III: THE GOR MAKES AN OFFER

REF: DAR ES SALAAM 5253

THE FOLLOWING REPORT WAS TELEPHONED FROM ARUSHA BY  
POLOFF BENTLEY.

## UNCLASSIFIED

1. SUMMARY: DURING THE SEPTEMBER 14 PLENARY SESSIONS, THE PARTIES ADOPTED A DRAFT PROGRAM FOR THE TRANSITIONAL GOVERNMENT. AFTER SOME INITIAL CONFUSION, THE GOR WAS PERSUADED TO PRESENT ITS OFFER ON POWER-SHARING IN ALL BRANCHES OF GOVERNMENT AS A SINGLE PACKAGE. THE RPF PROVIDED ITS VIEWS AND SOME COUNTERPROPOSALS. A MORE FORMAL RESPONSE HAS BEEN DELAYED UNTIL A PLENARY SESSION NOW PLANNED FOR THIS EVENING, SEPTEMBER 15. END SUMMARY.

2. BEFORE DISCUSSING POWER-SHARING ARRANGEMENTS, FONMIN DIRIA FIRST ASKED THE PARTIES TO ADOPT A PROGRAM FOR THE TRANSITIONAL GOVERNMENT. DURING DISCUSSION OF THE PROGRAM, RPF DELEGATION HEAD BIZIMUNGU AGAIN INDICATED THAT HE WANTED TO MOVE THE NEGOTIATIONS DIRECTLY INTO POWER-SHARING. THE GOR WAS WILLING BUT DIRIA, AS CHAIRMAN, REFUSED TO MOVE UNTIL THE TWO PARTIES ADOPTED THE DRAFT PROGRAM. THE RPF REQUESTED SOME CLARIFICATION. BOTH SIDES THEN AGREED TO ADOPT THE PROGRAM AS YET ANOTHER WORKING DOCUMENT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 DAR ES 05305 01 OF 03 151232Z

3. GOR FONMIN NGULINZIRA THEN CALLED FOR PROPOSALS ON POWER-SHARING FROM THE RPF. HE SAID THAT HIS GOVERNMENT HAD PREPARED PROPOSALS BUT WERE UNAWARE OF ANY FROM THE RPF. HE ADDED THAT IF THE RPF NEEDED MORE TIME, HE WAS WILLING TO ADJOURN THE TALKS FOR SEVERAL DAYS TO LET THEM CONSULT. THIS IDEAPRODUCED AN IMMEDIATE UPROAR IN THE PLENARY, WITH THE FACILITATOR AND OBSERVERS HUDDLING WITH THE TWO DELEGATIONS TO URGE THEM TO CONTINUE. THE RPF WANTED TO DISCUSS POWER-SHARING IN THE SEPARATE BRANCHES OF THE GOVERNMENT AS A PACKAGE; I.E., THEY WANTED TO SEE THE GOVERNMENT'S ENTIRE OFFER. THE GOR WAS AT FIRST UNWILLING BUT EVENTUALLY RELENTED.

4. INSISTING THAT THE TRANSITIONAL GOVERNMENT SHOULD GOVERN WITHIN THE FRAMEWORK OF EXISTING LAWS TO ENSURE "THE CONTINUITY OF STATE INSTITUTIONS," FONMIN NGULINZIRA OFFERED THE FOLLOWING:

-- A CONSTITUTIONAL AMENDMENT PROVIDING THAT THE PEACE AGREEMENT PROVISION WOULD PREVAIL IN ANY CONFLICT WITH EXISTING LEGISLATION OR THE CURRENT CONSTITUTION (U.S. REP RAWSON SUGGESTED THIS APPROACH TO NGULINZIRA BEFORE THE PLENARY) ;

UNCLASSIFIED

UNCLASSIFIED

-- PRESIDENT HABYARIMANA WOULD RETAIN OFFICE, BUT ALL PRESIDENTIAL ACTIONS WOULD BE TAKEN ONLY WITH THE CONCURRENCE OF THE CABINET;

-- THE RPF WOULD JOIN THE CABINET AND WOULD NEGOTIATE ITS SHARE OF THE PORTFOLIOS DIRECTLY WITH THE OTHER POLITICAL PARTIES;

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 DAR ES 05305 01 OF 03 151232Z

-- THE CABINET WOULD MAKE DECISIONS BY CONSENSUS;

-- THE GOVERNMENT WOULD BE OPEN TO ALL THE PARTIES THAT SUBSCRIBE TO THE PEACE AGREEMENT;

-- THE MINISTERS WOULD REMAIN ACCOUNTABLE TO THE PRIME MINISTER AND THE PRIME MINISTER TO THE PRESIDENT;

-- THE EXISTING LEGISLATURE WOULD BE REPLACED BY A NEW TRANSITIONAL NATIONAL ASSEMBLY (TNA) WHICH WOULD LAST THROUGH THE TRANSITION PERIOD AND INCLUDE MEMBERS ELECTED FROM WITHIN RWANDA ON THE BASIS OF PROPORTIONAL REPRESENTATION. THE RPF WOULD BE ABLE TO NOMINATE A

LIMITED OFFICIAL USE

NNNN

LIMITED OFFICIAL USE

PAGE 01 DAR ES 05305 02 OF 03 151234Z

ACTION AF-01

INFO	LOG-00	AMAD-01	CIAE-00	PFIP-01	C-01	DODE-00	EUR-01
	HA-09	H-01	INRE-00	INR-01	IO-19	L-03	ADS-00
	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01	PM-01	PRS-01
	P-01	SNP-01	SP-01	SSO-00	SS-01	TRSE-00	T-01

UNCLASSIFIED

USIE-00 /049W

-----618E70 151235Z /38

O 151227Z SEP 92  
 FM AMEMBASSY DAR ES SALAAM  
 TO SECSTATE WASHDC IMMEDIATE 8843  
 INFO AMEMBASSY KIGALI IMMEDIATE  
 AMEMBASSY ADDIS ABABA  
 AMEMBASSY BAMAOKO  
 AMEMBASSY BONN  
 AMEMBASSY BRUSSELS  
 AMEMBASSY BUJUMBURA  
 AMEMBASSY COTONOU  
 AMEMBASSY DAKAR  
 AMEMBASSY HARARE  
 AMEMBASSY KAMPALA  
 AMEMBASSY LAGOS  
 AMEMBASSY LONDON  
 AMEMBASSY NAIROBI  
 AMEMBASSY PARIS

LIMITED OFFICIAL USE SECTION 02 OF 03 DAR ES SALAAM 05305

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 DAR ES 05305 02 OF 03 151234Z  
 PARIS FOR PERLOW; LONDON FOR MCKINLEY

E.O. 12356: DECL: N/A  
 TAGS: PREL, AORC, OAU, MOPS, RW, TZ  
 SUBJECT: ARUSHA III: THE GOR MAKES AN OFFER

NUMBER OF MEMBERS AND THE ASSEMBLY WOULD BE ELECTED  
 BEFORE THE RETURN OF REFUGEES;

-- THE TNA WOULD ENACT LEGISLATION BY MAJORITY VOTE IN  
 ROUTINE MATTERS. IN SENSITIVE AREAS A THREE-FIFTHS  
 MAJORITY WOULD BE REQUIRED. THE RPF WOULD BE GIVEN A  
 VETO IN MATTERS TOUCHING ON THE PEACE AGREEMENT;

-- THE EXISTING JUDICIARY WOULD REMAIN FOR THE MOST  
 PART. THE STATE SECURITY COUNCIL WOULD BE ABOLISHED. A  
 COURT OF ACCOUNTS WOULD BE CREATED AS AN ARM OF THE TNA  
 TO MONITOR THE TREASURY;

-- A SUPREME CONSTITUTIONAL COURT WOULD REVIEW

UNCLASSIFIED

UNCLASSIFIED

LEGISLATION. THE BROAD-BASED TRANSITIONAL GOVERNMENT (BBTG) WOULD PROPOSE TO THE SUPREME COURT CANDIDATES FOR JUDICIAL APPOINTMENTS. THE BBTG WOULD CREATE SPECIAL COMMITTEES TO DEAL WITH NATIONAL UNITY AND RECONCILIATION, PUBLIC SECURITY, INFORMATION AND EDUCATION, REFUGEE PROBLEMS, THE CONSTITUTION AND THE PREPARATION FOR GENERAL ELECTIONS AT THE END OF THE TRANSITION PERIOD.

5. "THE CARDS ARE PLAYED," CONCLUDED FONMIN NGULINZIRA. THE PLENARY ADJOURNED TO GIVE THE RPF TIME LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 DAR ES 05305 02 OF 03 151234Z  
TO PREPARE ITS RESPONSE.

6. WHEN THE PLENARY RECONVENED THAT EVENING, RPF DELEGATION CHIEF BIZIMUNGU STATED THAT THE RPF ACCEPTED THE GOVERNMENT'S PROPOSAL AS A BASIS FOR DISCUSSION. HE RAISED QUESTIONS ABOUT THE GOR, STATING THAT THE TRANSITIONAL GOVERNMENT WOULD OPERATE WITHIN EXISTING LAWS BUT ALSO THAT THE PEACE AGREEMENT WOULD HAVE PRIMACY. HE REMARKED SARCASTICALLY THAT THE PRESENT CONFLICT WAS NOT PROVIDED FOR IN EXISTING LEGISLATION. HE ACCEPTED THAT THE AGREEMENT SHOULD BE SUPREME BUT EXISTING LAWS AND CONSTITUTIONAL PROVISIONS THAT CONTRADICT IT SHOULD BE CHANGED. HE DID NOT THINK THAT THE GOR HAD MADE CLEAR THE EFFECT OF ITS PROPOSALS ON THE PRESIDENT'S POWERS. THE RPF ACCEPTED HABYARIMANA AS THE INCUMBENT PRESIDENT BUT WANTED HIM STRIPPED OF POWER. ON FORMING THE BBTG, THE RPF WAS READY TO DISCUSS PORTFOLIOS WITH THE POLITICAL PARTIES, BUT THOUGHT THAT WAS WHAT IT HAD COME TO ARUSHA TO DO WITH THE GOR. THE RPF ALSO ACCEPTED THE IDEA OF THE TNA BUT WAS UNCOMFORTABLE WITH THE NOTION OF AN RPF VETO, FEELING THAT THESE MEASURES WOULD TEND TO ISOLATE THE RPF POLITICALLY.

7. THE RPF THEN PROVIDED COUNTER PROPOSALS:

-- AS THE INCUMBENT PRESIDENT IS HEAD OF THE MRND, TWO ADDITIONAL CO-PRESIDENTS SHOULD BE PROVIDED -- ONE BY THE RPF AND ONE BY THE OPPOSITION COALITION;

-- THE EXECUTIVE POWERS PROPOSED FOR THE RPF COMMITTEE LIMITED OFFICIAL USE

UNCLASSIFIED

UNCLASSIFIED

LIMITED OFFICIAL USE

PAGE 04 DAR ES 05305 02 OF 03 151234Z  
FOR NATIONAL RECONSTRUCTION (CNR) WOULD BE TRANSFERRED  
TO THE TRIPARTITE PRESIDENCY;

-- IN THE BBTG, THE PRIME MINISTER WOULD BE PROVIDED BY  
ONE OF THE OPPOSITION PARTIES -- THAT IS, THE NDR, THE  
PL OR THE PSD -- BUT NOT THE SAME PARTY AS THE  
OPPOSITION CO-PRESIDENT;

-- THE POST OF PRIME MINISTER WOULD BE GIVEN TO THE RPF  
AND WOULD INCLUDE ANOTHER MINISTERIAL PORTFOLIO;

-- IN THE TRANSITIONAL NATIONAL ASSEMBLY, THE NEW  
ASSEMBLY WOULD BE COMPOSED OF 40 MEMBERS, WITH EACH OF  
THE MAJOR PARTIES (MRND, NDR, PSD, PL AND RPF) EACH  
NOMINATING SIX MEMBERS. FIVE MEMBERS WOULD BE PROVIDED

LIMITED OFFICIAL USE

NNNN

LIMITED OFFICIAL USE

PAGE 01 DAR ES 05305 03 OF 03 151234Z  
ACTION AF-01

INFO	LOG-00	AMAD-01	CIAE-00	PFIP-01	C-01	DODE-00	EUR-01
	HA-09	H-01	INRE-00	INR-01	IO-19	L-03	ADS-00
	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01	PM-01	PRS-01
	P-01	SNP-01	SP-01	SSO-00	SS-01	TRSE-00	T-01
	USIE-00	/049W					

-----618E80 151235Z /38

O 151227Z SEP 92  
FM AMEMBASSY DAR ES SALAAM  
TO SECSTATE WASHDC IMMEDIATE 8844  
INFO AMEMBASSY KIGALI IMMEDIATE  
AMEMBASSY ADDIS ABABA  
AMEMBASSY BAMAKO

UNCLASSIFIED

UNCLASSIFIED

AMEMBASSY BONN  
AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
AMEMBASSY COTONOU  
AMEMBASSY DAKAR  
AMEMBASSY HARARE  
AMEMBASSY KAMPALA  
AMEMBASSY LAGOS  
AMEMBASSY LONDON  
AMEMBASSY NAIROBI  
AMEMBASSY PARIS

LIMITED OFFICIAL USE SECTION 03 OF 03 DAR ES SALAAM 05305

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02            DAR ES 05305 03 OF 03 151234Z  
PARIS FOR PERLOW; LONDON FOR MCKINLEY

E.O. 12356: DECL: N/A  
TAGS: PREL, AORC, OAU, MOPS, RW, TZ  
SUBJECT: ARUSHA III: THE GOR MAKES AN OFFER

BY NGO'S CONCERNED WITH THE DEFENSE OF HUMAN RIGHTS AND  
FIVE FROM THE MILITARY FORCES;

-- SPECIAL COMMISSIONS FOR SELECTED ISSUES WOULD BE  
UNDER THE TNA;

-- THE MEMBERS OF THE JUDICIARY WOULD ELECT THEIR OWN  
SUPREME JUDICIAL COUNCIL TO RUN THE JUDICIARY.

8. DURING THE DISCUSSION WHICH FOLLOWED THESE  
PRESENTATIONS, THE GOR EMPHASIZED ITS FLEXIBILITY AND  
ITS WILLINGNESS TO CONSIDER SPECIFIC CHANGES IN ITS  
PROPOSALS SUGGESTED BY THE RPF. THE RPF EXPRESSED ITS  
CONTINUING CONCERNS ABOUT ESTABLISHING STRONG  
PROTECTIONS FOR HUMAN RIGHTS AND ITS OWN SECURITY. THE  
GOR PROVIDED ADDITIONAL CLARIFICATION REGARDING ITS  
IDEAS ABOUT THE TNA, PRESIDENTIAL POWERS AND ELECTIONS.  
THE PARTIES THEN ADJOURNED THE PLENARY UNTIL THE  
FOLLOWING DAY TO ALLOW THE RPF TO PREPARE A MORE  
DETAILED RESPONSE TO THE GOVERNMENT'S PROPOSALS.

9. AS THIS IS WRITTEN, WE UNDERSTAND THAT THE RPF HAS

UNCLASSIFIED

UNCLASSIFIED

ASKED FOR THE NEXT PLENARY SESSION TO BE DELAYED UNTIL  
5:00 PM TODAY (SEPTEMBER 15) TO PREPARE ITS  
COUNTERPROPOSALS IN DETAIL. THE CONSENSUS AMONG THE  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 DAR ES 05305 03 OF 03 151234Z  
OBSERVERS IS THAT THE GOR HAS GONE A CONSIDERABLE  
DISTANCE TO MEET RPF CONCERNS. THE GOR APPEARS TO SEE  
THE PROBLEM AS HOW TO INCLUDE THE RPF IN A MORE GENERAL  
PROCESS OF DEMOCRATIC REFORM. THE RPF SEEMS TO WANT TO  
DETERMINE THE OUTCOME OF THE REFORM PROCESS IN THE PEACE  
AGREEMENT. THE RPF ALSO APPEARS TO HAVE TROUBLE  
GRASPING THE FULL IMPLICATION OF THE GOVERNMENT'S OFFER,  
POSSIBLY REFLECTING THE EXTENT OF ITS MISTRUST OF THE  
CURRENT REGIME.

BAKER

LIMITED OFFICIAL USE

NNNN

UNCLASSIFIED