

COMMUNIQUE CONJOINT

Suite à sa mission dans la région des Grands Lacs, du 31 août au 7 septembre 1995 à la demande du Secrétaire Général des Nations Unies, Madame Sadako Ogata, Haut Commissaire des Nations Unies pour les réfugiés a adressé une invitation au gouvernement de la République *Rwandaise et au* gouvernement de la République du Zaïre pour une réunion urgente au niveau ministériel dans le cadre de l'Accord Tripartite sur le Rapatriement des réfugiés rwandais du Zaïre, accord signé le 24 octobre 1994 à Kinshasa. Cette réunion s'est *tenu* le 25 septembre 1995 au siège du HCR à Genève.

Sur la base des résultats des consultations du Haut Commissaire dans la région, reflétant notamment la convergence des points de vue qui s'est dégagée entre les pays d'asile et ceux d'origine au sujet du rapatriement organisé comme unique solution au problème des réfugiés rwandais.

Prenant en compte la déclaration faite le 5 septembre 1995 à Kigali en présence du Haut Commissaire, par S.E. Monsieur Pasteur Bizimungu, Président de la République Rwandaise sur le retour sans conditions des réfugiés au Rwanda et l'annonce de la décision des Autorités Zaïroises de voir les réfugiés regagner leur pays au plus tard le 31 décembre 1995,

Les parties présentes à cette première session de la Commission Tripartite s'étaient fixé pour objectif de confirmer leurs engagements pour un retour volontaire, massif, organisé et accéléré des réfugiés dans des conditions de sécurité et de dignité, et d'établir les modalités pratiques de ce retour.

Les trois parties, chacune en ce qui la concerne, ont décidé de mettre en œuvre des mesures incitatives nécessaires à la promotion et à l'exécution du *programme de retour* conformément à l'Accord Tripartite *entre le Zaïre, le Rwanda et le HCR*, signé le 24 octobre 1994 à Kinshasa, à la déclaration du Sommet Régional de Nairobi sur le Rwanda (7 janvier 1995), et au Plan d'Action de la Conférence de Bujumbura (17 février 1995).

Le gouvernement de la République Rwandaise s'engage à:

Continuer à mettre en place son plan d'action pour accueillir et réintégrer les rapatriés dans l'esprit et sur la base des accords d'Arusha du 4 août 1993;

Renforcer les structures; d'accueil et de réception des réfugiés en facilitant *et en accélérant* les formalités administratives et douanières de retour

- ouverture si nécessaire des points d'entrée supplémentaires;
- dans les limites des moyens logistiques, non imposition des restrictions quant; au nombre de rapatriés par jour;
- amélioration des contrôles des convois et des rapatriés aux points d'entrée; - extension des facilités de réception;
- renforcement des mesures de nature à accroître la sécurité et la protection des rapatriés;

- continuer à contrôler la sécurité des zones de retour avec le HCR et d'autres organismes compétents au Rwanda,

Intensifier en collaboration avec le HCR, la campagne d'information sur les conditions de sécurité et tout autre sujet d'intérêt pour les réfugiés dans les communes d'origine, notamment par des visites trans-frontalières

Le gouvernement de la République du Zaïre pour sa part s'engage à -

prendre des mesures visant à mettre fin à toutes les formes d'intimidation qui empêcheraient les réfugiés de manifester leur désir de retourner dans leur pays d'origine, ou d'exercer ce droit.

Poursuivre et faciliter les campagnes d'information dans les camps de réfugiés pour promouvoir le rapatriement,

Enfin le Haut Commissariat pour les réfugiés de son côté s'engage à:

soliciter en vue obtenir son appui communauté internationale pour la mise en oeuvre des mesures liées au rapatriement des réfugiés.

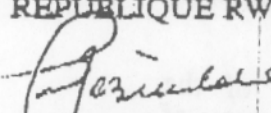
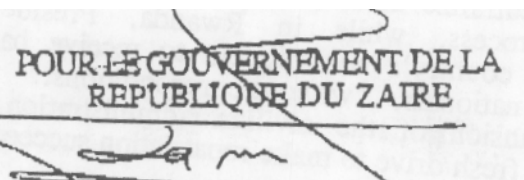
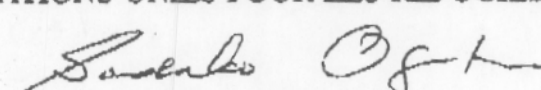
Mettre à la disposition des parties rwandaise et zaïroise, dans la mesure des fonds disponibles, les moyens logistiques et l'assistance nécessaires à la réalisation de cette opération de rapatriement organisé et accéléré des *Solliciter* la coopération des autres Agences des Nations Unies et d'autres organisations compétentes pour répondre aux besoins des rapatriés.

continuer à sensibiliser la communauté internationale pour la mobilisation des fonds nécessaires aux réparations des dommages causés à l'économie et à l'environnement du Zaïre par la présence massive des réfugiés sur son territoire.

En conclusion

Après s'être félicité de l'atmosphère cordiale et constructive qui a prévalu tout au long des travaux de la première session de la Commission Tripartite, les parties ont convenu de convoquer la Sous-Commission chargée du rapatriement, telle que prévue par l'Accord Tripartite du 24 octobre 1994, à Gisenyi au Rwanda entre le 10 et le 15 octobre. Une prochaine session de suivi et d'évaluation de la Commission Tripartite, au niveau ministériel, se tiendra à Genève ou au Zaïre d'ici à la fin octobre 1995.

Fait à Genève le 25 septembre 1995, en français et en anglais. Le texte français faisant foi

<p>POUR LE GOUVERNEMENT DE LA REPUBLIQUE RWANDAISE</p> <p> Patrick Mazimhaka</p> <p>Ministre de la Réhabilitation et de l'Intégration Sociale</p>	<p>POUR LE GOUVERNEMENT DE LA REPUBLIQUE DU ZAIRE</p> <p> Gerard Kamanda wa Kamanda</p> <p>Vice-Premier Ministre Ministre des Affaires Etrangères</p>
<p>LE HAUT COMMISSAIRE DES NATIONS UNIES POUR LES REFUGIES</p> <p> Sadako Ogata</p>	

Report for the first meeting of the Tripartite Commission on the Repatriation of Rwandan refugees from Zaire Geneva - September 25, 1995

The Tripartite Commission, Rwanda-Zaire-HCR met on 25 September 1995 at the UNHCR Headquarters in Geneva under the Chairmanship of the High Commissioner, Ms. Sadako Ogata. The Zairian and Rwandan Delegations were headed, respectively, by Maitre Gerard Karnanda wa Kamanda, Vice-Prime Minister and Minister of Foreign Affairs, and Mr. Patrick Mazimhaka, Minister for Rehabilitation and Social Integration.

In her opening address the High Commissioner welcomed both delegations and, referring to the numerous contacts at various levels which had taken place between the two countries since the Tripartite Agreement was signed in October 1994, *expressed* the hope that further efforts will be pursued to give the necessary political impetus to solve the refugee problem.

She went on to stress the value of instruments such as the Tripartite Agreement which, she said, reflect the political will *of* countries of asylum and of origin to work jointly towards voluntary repatriation of refugees in conditions of safety and dignity. As a humanitarian instrument, the Tripartite Commission serves as a pragmatic framework to translate promises and intentions into concrete humanitarian actions.

Underlining the dramatic nature *of refugee situations* in the region, the High Commissioner stated that the prolonged stay of refugees is neither a viable option for the women and children (the majority of the *refugee* population) concerned nor for the countries *of asylum nor for* Rwanda itself. She further expressed her serious doubts as to the readiness of the international community to continue funding humanitarian programmes for large camp populations.

Referring to the results of her mission in the Great Lakes Region, she expressed her satisfaction at the convergence of interest in the repatriation process and the willingness to take concrete action. In Zaire, President Mobutu and Members of the Government had promised to take the necessary measures to neutralize those amongst the refugee leaders who were blocking the repatriation process, while in Rwanda, President Pasteur Bizimungu had reaffirmed his country's commitment to receive back and ensure the safety of all Rwandan nationals, "without,-preconditions." These assurances, together with the expansion of the civilian administration in Rwanda will , she said underscore the fresh drive to make repatriation succeed.

The High Commissioner ended her address by urging members of the delegations to concentrate on the humanitarian and organizational aspects of repatriation and be guided by a sense of pragmatism.

Responding to the High Commissioner's address, the Minister for Rehabilitation and Social Integration of the Republic of Rwanda expressed his profound gratitude to the High Commissioner for her untiring efforts in the search of solutions to the problem of refugees.

Referring to the outflow of 2,2 millions refugees from his country in 1994, he said that since then, half of them - many from the old caseload - have returned to Rwanda. The Plan of Action, prepared by the Government of Rwanda to address the refugee crisis, was approved by the international community and is based on the relevant international instruments and in the spirit of the 1993 Arusha Agreement. In reconciling the inalienable right of return of the refugees and the security concerns of the governments, this plan, he said, fits globally into the Programme of National Reconciliation and provides support to refugees in their efforts to reintegrate. The Minister concluded his address by reaffirming these principles which, he said, had underpinned similar meetings with neighboring countries. He expressed the hope that the same constructive spirit would prevail during the current meeting and that it would achieve positive results.

In his reply to the High Commissioner, the Zairian Vice-Prime Minister, Minister for Foreign Affairs expressed also his profound gratitude to the High Commissioner for her efforts in *seeking* a solution to the refugee problem "in the Great Lakes Region the Secretary General of the United Nations for his marked interest in the search for a lasting political solution the refugee crisis.

The Vice-Prime Minister went on to say that he shared the High Commissioner's view that the meeting should have practical character. He also took note of the recent Declaration of the President of the Republic of Rwanda as well as the commitment made by the Rwanda Delegation as to the right of return and Rwanda's willingness to take the necessary measures to achieve a solution to the refugee problem in the region.

The Head of the Zairian Delegation referred to the Nairobi summit, the Bujumbura Conference and the Addis Ababa follow-up meeting; The frequency of such meetings, he said, highlights the serious concern of the asylum countries.

While underlining the humanitarian character of the refugee problem, he harked that its root causes were political and made clear his Government's position as for the link between the refugees and the Security Council Resolution 1011. For *these* reasons, he stated, the repatriation of all refugees is non negotiable and must be completed within the set timeframe. Expressing his Government's concern with the Security Council Resolutions 1011 and 1013, respectively, on the lifting of the arms embargo for Rwanda and the establishment of a Commission of inquiry, Maitre Kamanda wa Kamanda stressed the fact that his country's position on the refugees should not be construed as a departure from its humanitarian obligations stemming from the UN relevant instruments, or Zaire humanitarian tradition.

The Vice-Prime Minister concluded by urging the High Commissioner to pursue *her efforts* and appeal for a sustained rehabilitation programme for Rwanda.

The Chairman then submitted the agenda for adoption. Both Delegations sought clarifications on point 3 which were provided by Mr. Kamel Morjane, Director of the Regional Bureau for Africa, in UNHCR. The agenda was adopted. The High Commissioner then asked Mr. Motjane to introduce item 1 on the agenda:

I- DEVELOPMENTS, ACTIONS UNDERTAKEN AND CONSTRAINTS ENCOUNTERED SINCE THE BUJUMBURA CONFERENCE

In introducing the item on developments, actions undertaken and constraints encountered since the Bujumbura Conference, Mr. Morjane outlined the framework and methodology of the meeting. Members of the two Delegations were then requested to review the progress made by their respective countries towards the fulfillment of their responsibilities as outlined in the Plan of Action adopted by the Bujumbura Conference: He said that the objective of the meeting was to reaffirm the parties commitment to the repatriation process and to work out the practical modalities for accelerating that process.

Responding to the invitation of the Chair, the Head of the Rwandan Delegation addressed, respectively, the following issues:

1) security

The Minister for Rehabilitation stressed the sensitive character of this issue and highlighted the Government's effort to improve the security in Rwanda, namely by providing training to gendarmes ii collaboration with by UNAMIR; converting ex-members of the RPF guerilla force into gendarmes, which will have a positive impact on arrest-procedures and crime-recording; Training the communal police as well as integrating 2,000 ex-FAR members into the National Army. These efforts, he said, have significantly contributed to the improvement of the security in Rwanda.

2) Judicial system:

With respect to the judicial system, he referred to the ongoing training of Magistrates, the recruitment of experts and the continuing battle with Parliament to appoint Supreme Court Judges.

3) International Tribunal/ detention conditions:

He further reiterated his country's readiness to fully cooperate with the International Tribunal, deplored the current conditions of detention and reaffirmed the Government's commitment to work closely with UNHCR, ,HRFOR and ICRC.

4) Land - property

The establishment of screening-committees and housing-committees country-wide, he said, was evidence of the Government's commitment to the principles adapted to in Bujumbura.

5) Mass information:

In the area of mass information, he *highlighted* all the steps taken by the Government to inform refugees, *inter alia*, through radio broadcast or interviews of returnees, collaboration with UN Radio, visits of officials to refugee camps.

6) Reception facilities

With .respect to reception, facilities, he stated his country's readiness to receive all the ' refugees under conditions acceptable to the international community.

7) Constraints:

Concerning the constraints encountered, Mr. Mazirnhaka referred to the intimidation of refugees which had prevented visits to refugee camps, and the country's limited resources to cope with the growing number of returnees.

The Head of the Zairian Delegation, while expressing its frustration and disappointment at the adoption of the SC Resolution 1011 on the lifting of the arms embargo, undertook measures that would encourage repatriation. He pointed out that asylum was temporary and that Zaire's recent action of refoulement was founded on Article 3.3 of the Declaration of Territorial Asylum.

Maitre Kamanda wa Kamanda then went on to elaborate on the unsuccessful attempt by his Government to relocate the camps and the adverse consequences which it had generated. With respect to collaboration with the International Tribunal, he *expressed his Government's* readiness to arrest genocide perpetrators provided they were identified and indicted by the Tribunal.

Concerning the measures to be taken against intimidators, the *Vice-Prime* Minister expressed his country's readiness to collaborate with UNHCR and the Zairean Contingent in taking appropriate action. He stressed, however, that unless Rwanda took serious measures to prevent incidents such as Kibeho and Kanama killings from recurring, all efforts aimed at encouraging repatriation would be fruitless.

He concluded by stressing the need to address the damage caused by the refugees to his country's environment as well as its infrastructure, and he expressed his regret at the "conspiracy du silence" which had characterized discussion of this issue and the fact that no speck action had been taken so far.

Addressing the issue of the measures taken by the international community, the High Commissioner recognized the close interrelation between the refugee problem and politics. She said that, while she was not in position to solve the related political problems, her humanitarian endeavours could go some way towards helping to achieve a solution.

Following the review of progress made by the different parties, the High Commissioner, in order to structure the discussion, proposed that the discussion on point II of the agenda be ordered as follows:

II MEASURES TO BE TAKEN BY THE PARTIES INVOLVE? TO RECEIVE REFUGEES AND PROMOTE VOLUNTARY REPATRIATION

- 1- reception and screening of returnees
- 2- mass information campaign
- 3- convoys
- 4- return by communes
- 5- visits to Rwanda
- 6- intimidators within the refugee community
- 7- reduction of the economic/power base of refugees
- 8- international assistance to countries of asylum
- 9- making the Tripartite Agreement operational

The Zairian Delegation suggested that the question of the assistance by the international community to countries of asylum and the country of origin be added to the list above. The Rwandese Delegation suggested also to add another item in order to consider ways and means to make the tripartite international operational. The High Commissioner was pleased to take note of the two proposals and it was decided to add then the above list.

1) Reception and screening facilities

On the first point, how to improve customs and reception facilities to accelerate return, the *Delegation* of Rwanda stated that *while* the existing entry-points have so far been adequate, should the need arise, would be strengthened. With respect to screening, the Head of Delegation stressed the security element, i.e. the need to search for arms and explosives. He acknowledged the need for a more *modern* screening equipment and called for assistance in order to upgrade such equipment as well as the communication system linking border authorities with their Kigali counterparts. Further more, he proposed a joint management system of the security personnel.

Commenting on the same point, Maitre Kamanda wa Kamanda stated that, while his delegation was aware of the difficulties felt by Rwanda, the identification of additional entry points would facilitate return and to have the convoys going from the camps in Zaire to the transit camps in Rwanda without changing the vehicles.

2) Mass information-campaign:

The High Commissioner said that refugees should be informed about the security conditions in Rwanda, their rights to land and properly restitution

Expressing his concurrence with the above, the Head of the Rwandan Delegation suggested that the information provided to refugees should reflect the position of the Government on return, i.e. the right of all return.

In his comment, the Zairian Vice-Prime Minister stated that his Government and UNHCR had already started an information campaign, and agreed to the need to intensify the campaign. He remarked that strong signals should come from Rwanda as to the Government's position on return.

3) Convoys

The High Commissioner enquired how best the parties could use the *capacity of convoys to facilitate return*.

In his comments, *the Rwandan Delegate* said that screening was done at the border, after *which* refugees are handed over to UNHCR.

In his *reply*, the Zairean Delegate raised the question of expediting to Rwanda entry-visas for UNHCR personnel and called for a more flexible system to permit cross border movements. The Rwandan *Delegate said* that this matter would be followed up upon return to Kigali.

4) Return by communes

The High Commissioner explained that this item had been included as part of the confidence building measures, the idea being that refugees from the same commune would go back directly to their home communes. She further sought ideas on the feasibility of pilot-projects, targeting the communes of return, given the fact that some communes would carry less burden than others

In his intervention the Rwandan Delegate cautioned against the risks. e.g. refugees might incorrectly state Limit of origin in to escape denunciation by neighbours.

The Zairian Delegation on its part, expressed the view that *the* impression that the camps are organized by communes is totally erroneous at least, as far as concerns Zaire. He did not deny, however, that certain concentrations, by area of origin, do exist in the camps.

The High Commissioner took note of both comments, although there is an agreement on the principle of the return of refugees by communes, and suggested that the most appropriate procedure be followed.

5) Cross-border visits by refugees

The High Commissioner enquired the procedure to be followed: whether prior clearance should be required, the issue of freedom of movement during visits and return to the camp.

In its comments the Rwandan Delegation stressed that while such, visits had been used extensively in Burundi, the matter should be *discussed at* the technical meeting *which would* examine the modalities for applying the visit mechanism in the Rwanda-Zaire context

The Zairian Delegation remarked that these visits had been provided for by the Tripartite Agreement. **Voile** this measure may encourage repatriation, it could, if mishandled, be counterproductive; the solution, therefore, lies in the selection of the volunteers.

The High Commissioner noted *that refugee-visits were* part of the confidence-building measures. However, she said, if visits cannot be undertaken, return possibilities would be dimmer, hence the need to work out some modalities for such visits.

6) Intimidators in the refugee community

introducing this item_the High Commissioner explained that the slow rate of repatriation has many explanations, but the activities of the intimidators who obstruct normal return was certainly important.

Commenting on this point, the Zairian_Vice-Prime Minister expressed his country's readiness to suppress intimidation and stated that the Zairean Security Contingent could play an important role in such an operation. He cautioned, however, against exaggerating the role of intimidators in causing the recent repatriation-stalemate.

The High Commissioner took note of the statement of the Vice-Prime Minister and said that the operation would proceed on the assumption that any obstruction would be jointly dealt with.

7) Reduction of the economic power-bas of refuge

The High Commissioner expressed the view that the present reluctance of refugees to repatriate may be partly justified by their relatively good economic situation and suggested that the Government of Zaire might wish to address this issue to avoid it becoming a factor of resistance to repatriation.

The Zairian Head of Delegation noted that several refugees are employed by NGO's, earning substantial wages, and remarked that the longer this situation was allowed to continue, the longer the refugees would stay. The Vice-Prime Minister went on to stress the negative impact of this situation and called for an effective reduction of the power-base of refugees.

The Rwandan Read of Delegation remarked that serious measures such as the prohibition of transfer of funds derived from ownership of property (refugees lending their houses in Rwanda) and from deployment of refugees--owned vehicles (hired to NGO's and UNHCR) would, undoubtedly, have a negative effect on repatriation.

The High Commissioner took note of these remarks and undertook, in so far as UNHCR is concerned, to take action. Such action, she said, needed to be taken in consultations with NGO's-partners and, given its sensitive character, may prove difficult to achieve quickly. She, however, reassured both- Delegations that her office would give clear signals in this direction

8) Assistance to Zaire by the international community:

Introducing this item, Mr. Morjane said that since the Bujumbura Conference - which had adopted the principle of convening a Round Table under the auspices of UNDP for the compensation of damage caused to the environment and infrastructure - a UNDP expert had visited the region and a report had been submitted to donor countries and to UNHCR A second joint LNDP/UNHCR mission is being planned and will be the subject of a meeting in Geneva next Friday. The meeting will be attended by the UNDP Representatives in Zaire and Tanzania. The mission should depart shortly afterwards.

Mr. Morjane went on to highlight the differences in approach of the different organizations, and that development projects could not be prepared and implemented as emergency refugee programmes. He stressed, however, that UNHCR had implemented several small projects to restore and/or improve the environment and infrastructure in the countries of asylum.

The Zairian Delegate voiced his regret that no joint UNDP/Zaire evaluation had taken -place and, that consequently, no project would be examined at the forthcoming *meeting*.

The Rwandan Minister for Rehabilitation and Social Integration said he shared the concerns of the Zairian Delegation and expressed the hope that this matter would be given the required attention. He said that repatriation was an urgent issue, especially, in view of the fact that the rehabilitation of the environment was a painfully slow process and expressed his Delegation's strong support for urgent measures to rebuild the areas damaged by the presence of the refugees.

The High Commissioner took note of the concerns and promised to continue to seek the assistance of the donor community.

9) Making the Tripartite Agreement operational

The Zairean Vice-Prime Minister said that it was his Delegation's view that points 1 to 8, above, constituted an operational approach to the agreement. He added that what had been initiated during the meeting *represented* a dynamic process which should be kept alive and *suggested* that an evaluation meeting be held at the end of October. He finally asked the Rwandese Head of Delegation to provide him with an indication as to Rwanda's daily absorption-capacity and on the operational entry-points.

In his response, the Rwandan Delegate said that article 21 of the Tripartite Accord provided for the designation of Members of the Sub-Commission changed with the problems related to mass information and cross-border visits. He suggested that the Special Envoy of the High Commissioner with the concerned Governments, follow up as early as possible the constitution of the Sub-Commission.

In reply to the Vice-Prime Minister's query, he said that there were two entry-points, Gisenyi and Cyangugu, and that Rwanda was in a position to receive 6,000 to 8,000 refugees daily. Should *the* need arise, however, additional entry points would be identified.

On the specific question as to the venue and date of the next meeting of the Commission, it was agreed that a follow-up session to this first meeting would be held either in Geneva in the context of the Executive Committee meeting, possibly on 20 October, or in Zaire before the end of October. The Sub-Committee on Repatriation, the composition of which will be communicated by the two Governments to UNHCR before the end of September, would meet between 10 and 15 October in Gisenyi, Rwanda.

The two Heads of Delegation thanked the High Commissioner for her initiative and reiterated their commitments to spare no efforts to see the repatriation process through.

At the close of the debate, the High Commissioner informed both Delegations that the Joint Communiqué will soon be ready for signature by all parties. At 19.30 hours, the Joint Communiqué was signed and the *session was brought* to an end.