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“Banyamulenge”,
Roberto Garreton’s report
&
Human Rights
in
Fizi, Uvira & Mwenga, Zaire:

The anatomy of a fraud
and
genesis of a conflict.

This is a collective effort, from us all from Kivu, that is, Nord-, Sud-Kivu and Maniema, in Zaire, towards a series of reactions against the vicious campaign of disinformation mounted for over more than two decades by “Banyamulenge” living in Sud-Kivu, in Zaire, and lodged with various NGOs in the West for consumption in the international community at large. In view of the events going on in Nord-Kivu, and as we look our children into the eyes, wondering what kind of a humanitarian disaster they might see happen tomorrow in the Great Lakes region to which they are all connected by our blood and love, we feel compelled to respond to some aspects of the Rapporteur spécial’s document E/CN.4/1996/66 of January 29, 1996, Conseil Economique et Social, Nations Unies. Our posterity should not wonder why we let the situation slip away into catastrophe, due to our silence.

1. The issue

Section B of part III of the report E/CN.4/1996/66 by the Rapporteur spécial is entitled “Genèse du conflit avec les Banyamulengues au Sud-Kivu.” Paragraph 33 introduces this conflict as follows:

Depuis 1797 (règne de Yuhi IV Gahindiro) des Rwandais tutsis émigrent vers le Congo (Zaire) pour s’installer dans la zone de Kakamba, sur le plateau de Ruzizi et sur les terres hautes (Mont Mulengue) pour des raisons liées au climat et à l’alimentation du bétail. A l’heure actuelle ils vivent dans les zones de Uvira, Mwenga et Fizi où ils ont établi des villages (Galye, Kishenbwe, Munanira, Majaga, Shangi, Katoki, Lutabula). Ils parlent un dialecte kinyarwanda mais leur histoire et leurs coutumes diffèrent de celles des autres Zairois parlant cette langue. Leur importance politique, qui remonte à la période antérieure à la colonisation, s’est perpétuée pendant cette dernière puis après l’indépendance. Ils ont vécu en harmonie avec les peuples autochtones -- des Banyamulengues ont été élus lors des premières élections -- jusqu’en 1964, année où a éclaté la rébellion mulehiste opposant agriculteurs aux éleveurs, ces derniers étant banyamulengues. Avec l’afflux de réfugiés Rwandais tutsis en 1959 puis en 1970, certains milieux politiques ont commencé à assimiler les Banyamulengues aux Rwandais. Depuis 1982 aucun Banyamulengue n’a été élu à une charge publique; les quelque 400 000 Banyamulengues se disent Zairois.

We will have a lot to say about paragraph 33, and show that most of what it contains is a well-packaged collection of *falsehoods* overly outweighing two nuggets of truth. The issues we shall deal with then will pertain to the numbers of “Banyamulenge” versus those of the natives in Fizi, Uvira and Mwenga, the political power of “Banyamulenge”, and the time depth of the migration in Fizi, Uvira and Mwenga. We will also touch on the conflicts in Nord-Kivu, mentioned in paragraphs 23 through 32 of the Rapporteur spécial’s report. Some aspects of the polemics might force us into the issue of Zairian nationality. We feel that this should be left as a question for the government of Zaire to address. Nonetheless, we will introduce the necessary legislative measures that have been promulgated just to put the issue on nationality in both Nord- and Sud-Kivu in another perspective, on the basis of the parameters brought to light by our analysis. Following the methodology of scientific argumentation and rigor, we will show in what ways the information provided to the Rapporteur spécial by the descendants of Rwandais Tutsis in Zaire is full of demagoguery and deceit. It will appear that the Rapporteur spécial’s document has been shaped by deliberate inaccuracies and falsehoods fed to his office by “Banyamulenge” leaders (see Exhibit 1). The conclusion is inescapable: *the Rapporteur spécial is taking part in a fraud!!*

At this juncture, we feel that we should deal with designations. In the Rapporteur spécial’s document, the non Rwandais tutsis are identified as *autochtones*. In conformity with this, we shall refer to them collectively as the **natives**. Individually, they are BaBembe, BaBuyu, BaBwari, BaZoba in Fizi; BaFuliru and BaVira in Uvira; BaLega, Bahwinjahwinja, BaNyindu

and Barhinyirhinyi in Mwenga. For our purposes, we ignore the fact that there are BaBembe in Mwenga, that is, in Itombwe. We take the liberty to refer to the Rwandais tutsis as “**Banyamulenge**” in quotation marks. In doing so, we are deferring to the traditions of the land. It is something of a mystery to most people in the Ruzizi river valley in Uvira, Fizi, or elsewhere, *why these descendants of Rwandais tutsis should fight tooth and nail to be named after a mountain, namely Mulenge, found in the ancestral territory of somebody else, in this case, the ancestral land of BaFuliru*. Not only is Mulenge settled by some BaFuliru today, it was so by the time the Rwandais tutsis got there. Principle is at stake. If, as hinted, they are descendants of Rwandais tutsis who migrated to the Congo, as the Rapporteur spécial acknowledges, then one wonders what they have to be ashamed of, and/or to hide about their origins. We also take the liberty to (a) quote profusely from the relevant literature available to us, including that which has been circulated around the world by, e.g., *Groupe Milima*, as made available to us by NGOs here in Montréal, Québec, and from other materials cited by “Banyamulenge” to trumpet their falsehoods, viz., Depelchin’s doctoral dissertation presented at Stanford University, CA, in 1974; (b) to leave typographical errors found in texts we quote from; and (c) finally, to use italics in indented quotations to indicate our underscoring. As for the country, we have stuck to her different names through history. Thus: Etat Indépendant du Congo (EIC), Congo Belge, République du Congo, and Zaire.

2. “Banyamulenge” and demography in Uvira, Fizi & Mwenga

The issue we deal with here concerns demography in Uvira, Fizi and Mwenga. For the sake of the argument, we accept the Rapporteur spécial’s claim that “quelque 400 000 “Banyamulenge” live in these zones. We assume this number to be valid for 1994. We will show that this assertion is groundless. All other falsehoods found in the Rapporteur spécial’s document will be understood, as the magic number is shown to be a moral fraud.

2.1 *The intricacy of the puzzle*

The number 400,000 appears to us as a tree hiding the forest. It would be more satisfying if we could look at it in bright lights. We will do so by studying the demography of the three zones. Because this aspect is missing from the Rapporteur spécial’s document, we have included census numbers for Fizi, Uvira and Mwenga. The table below is adapted from a recent study published by S. Ngondo a Pitshandenge, L. de Saint Moulin and B. Tambashe Oleko:¹

Zone	1958	1970	1984	1993	1994
Uvira	127,762	133,501	320,022	475,583	496,984
Fizi	82,065	109,516	204,843	295,362	307,620
Mwenga	109,103	127,371	215,895	303,057	314,695
Total	318,930	370,388	740,760	1,074,002	1,119,299

Table 1

There are two important points to note about Table 1. Firstly, it includes numbers for the population census held in 1958, that is, two years before the independence of the country from

¹ S. NGONDO a Pitshandenge, L. de SAINT MOULIN et B. TAMBASHE Oleko. “La population du Zaïre à la veille des élections de 1993 et 1994.” in *Zaïre-Afrique*, octobre 1992, n° 268: 1992, pp. 487-513. Needless to stress that we only indicate the crucial zones.

Belgium. This means that the 1958 census was carried out under the responsibility of the colonial administration. Accordingly, we assume that the numbers for 1958 include all those men and women who fell under the colonial administration in the Congo Belge. In view of the claim that they wielded political power, “Banyamulenge” must have been politically savvy, and in good terms with the colonial administration. We therefore hypothesize that they are included in the census, just like the natives.

Secondly, if the said numbers were to be broken down along ethnicity lines, they should be able to reflect the proportion of each group in presence: “Banyamulenge”, BaBembe, BaBuyu, BaBwari, BaFuliru, BaLega, Bahwinjahwinja, Barhinyirhinyi, BaNyindu, BaVira, BaZoba, and Europeans, i.e., missionaries, as well as colonial administration agents and other “non-indigènes” who might have been there in 1958. We will exclude Europeans and all others from the exercise. This leaves us with two groups, viz., one that includes “Banyamulenge” and another in which all the natives fall. Because there are “Banyamulenge” in every zone, we reasoned that, if one could extract their figures from Fizi, Uvira, and Mwenga, the numbers for the natives should actually be lower than those provided by the census for the relevant zones. On the other hand, it would be difficult to imagine that no Zairians other than BaBembe, BaBuyu, BaBwari, BaFuliru, BaLega, Bahwinjahwinja, Barhinyirhinyi, BaNyindu, BaVira, and BaZoba live in Fizi, Uvira and Mwenga. So, it would have been good if their numbers too could be extracted out. There is no way for us to do so, however. We therefore decided to go with inflated numbers for the natives. Rather than appear as a weakness for our analysis, this fact will actually make our point stronger. We will also determine the population growth for various periods between 1958 and 1994, based on the magic number 400,000. As will be seen, there are many flagrant contradictions, which suggests that the number is wrong. We will go as far as to say that it is a moral fraud. This fraud, and the dangers that the magic number 400,000 represents for the natives in Fizi, Uvira and Mwenga will then appear in brighter lights.

As for how to get there. Because the only numbers available along the ethnicity lines are those of “Banyamulenge” as provided by the Rapporteur spécial, we searched for a tool to help determine the percentage of “Banyamulenge”, and that of the natives for 1958. We found one such tool in the formula used to calculate population growth, the exponential growth function. The results for the first step, i.e., the annual growth rate for the period between 1958 and 1994, are given in Table 2 below:

Year / Pop	Year / Pop	% growth	Year / Pop	Year / Pop	% growth
1958 318,930	1970 370,388	1.6	1970 370,388	1984 740,760	2.0
1984 740,760	1993 1,074,002	1.44	1993 1,074,002	1994 1,119,299	1.04
1958 318,930	1994 1,119,299	3.5			

Table 2

As seen, the growth rate is 1.16% per annum for the period between 1958 and 1970; it is 2.0% per annum between 1970 and 1984. Finally, for the period from 1958 to 1994, it is 3.5% per annum.

Based on the number 400,000 for 1994, we can estimate how many “Banyamulenge” there were in 1958. Once this is done, it is very easy to estimate the numbers of the natives. Our results, calculated with the exponential growth function on the basis of the growth rate of 3.5% per annum, for the 36 year period between 1958 and 1994, are as follows:

Ethnic grouping	Number	Percent
‘Banyamulenge’	113,461	35.57
Natives	205,469	64.43
Total	318,930	100.00

Table 3

Interpreting this table is straightforward. Put at 400,000 in 1994, “Banyamulenge” would be estimated at 113,461 in 1958, constituting 35.57% of the population of the three zones. In contrast, the natives would be estimated at 64.43%.

Taking into consideration the natives individually, comparison of all the groups along ethnicity lines reveals that “Banyamulenge” is by far the largest group in 1958. Here is how and why. Consider Table 1, once more. With 82,065 people in Fizi, no ethnic group among BaBembe, BaBuyu, BaBwari, or BaZoba could be larger than “Banyamulenge.” Should one group number 82,065, the other groups would have to be extinct, just like dinosaurs. Ditto for Mwenga, where we have 109,103 souls. Representing one group implies that three other ethnic groups would have to be extinct. Still, estimated at 109,103, the remaining group could not be larger than “Banyamulenge.” Ditto in Uvira: with 127,762 souls, one ethnic group must completely disappear from the earth, probably into Lake Tanganyika or the Ruzizi river. Only here is there a possibility for there to be a native group that is larger than “Banyamulenge.” The odds for this scenario to happen are null. The impossibility for this to occur therefore forces upon us the conclusion that, in 1958, no native group in Fizi, Uvira or Mwenga was equal in numbers to “Banyamulenge”: every one of them was smaller than the latter.

As for 1994, the story remains the same. Put at 400,000, “Banyamulenge” would represent 35.73% of the population of Fizi, Uvira and Mwenga. In contrast, the natives would account for 64.27%, which would be a loss of 0.16%. Aside from this fact, we note that the two groups seem to have remained constant during the 36 year period covered by the study made by S. Ngondo a Pitshandenge, L. de Saint Moulin and B. Tambashe Oleko.

This conclusion is very crucial for our argument that the Rapporteur spécial’s report is biased, and very unfair to the natives of Fizi, Uvira and Mwenga. Crucially, the result undercuts any possible speculation that “Banyamulenge” might have been underreported by the census takers, who might have succumbed to the anti-Rwandan feeling said to have been instilled in Zaire in the last 30 years due to a heightened nationalism (para. 123). The reverse, i.e., the possibility that the natives were underreported must be excluded.

Should a devil advocate retort that “Banyamulenge” were not concerned, we would like to know whether, when, why and how the leaders of “Banyamulenge” had managed to make arrangements to that effect for every census held during the colonial administration. The

following table from Willame shows that, besides 1958, there were other population censuses held in the Congo Belge:²

	1950	1952	1954	1956	1958
Uvira	90,182	99,582	105,808	112,283	127,295
Fizi	57,636	63,465	68,440	73,451	81,856
Mwenga	99,850	97,723	100,091	107,485	108,800
Total	247,668	260,770	274,339	293,219	317,951

Table 4

In short, estimated at 400,000, “Banyamulenge” would be the largest ethnic group in Fizi, Uvira and Mwenga.

2.2 “Banyamulenge” and “Droits des minorités ethniques”

On July 6, 1991, a group claiming to act “Pour la population “Banyamulenge”” wrote to the Conférence Nationale Souveraine (CNS). Among other things, they demanded to the CNS that the rights of ethnic minorities, of which “Banyamulenge”, be protected by an adequate body, thus stating:³

[...] le peuple “Banyamulenge” reclame, par le présent document, à la Conférence Nationale Souveraine ce qui suit:

1. La création d’un cadre juridique pour la protection des droits de minorités ethniques.

Webster’s New World Dictionary lists four different meanings for the word *minority*.⁴ It would seem that the relevant meaning that applies to the situation of “Banyamulenge” as a *minority* is the following:

a racial, religious, *ethnic* or political *group smaller than and differing from the larger, controlling group in a community, nation, etc.*

We take these notions to be primitives. We further assume familiarity with them for everybody working in the Office of the High Commission for Human Rights. For having worked in that office for years, the Rapporteur spécial should have no trouble relating to them. Furthermore, for having worked in the same capacity for Zaire earlier on, the Rapporteur spécial should have control of elements like the number of ethnic groups living there, or the population. And in fact, the Rapporteur spécial does, as seen in paragraph 16. There the Rapporteur spécial lists few facts relating to population (40 M); languages (4 national; French; over 200 others); paramaters

² J. C. WILLAME, *Les provinces du Congo: structure et fonctionnement. Lomami - Kivu Central*. Collection d’études politiques. Léopoldville, I.R.E.S., n° 4, décembre 1964, p. 111. In comparing tables 1 and 4, it occurred to us that there are slight differences between the numbers for 1958. We assume this fact to be due to the tendency whereby census numbers are revised for various reasons. For more dates on other population censuses in the Congo Belge, see S. NGONDO et al., *op. cit.*, p. 488.

³ Letter by “Banyamulenge” leaders to the *Conférence Nationale Souveraine*, Kinshasa, July 6, 1991, p. 12.

⁴ *Webster’s New World Dictionary*, p. 906.

(national, ethnic, & regional) that underlie conflicts; etc ... We expect from this that the Rapporteur spécial should be sensitive to all the parameters that are required to reach the conclusion that an ethnic group x is a minority, and that he should interpret the guiding principles with fairness for all concerned. This is one quality that the Rapporteur spécial is assumed to have brought to the Office of the High Commission on Human Rights when he was offered the job. When he accepted the position, the Rapporteur spécial committed himself to such principles of fairness and/or impartiality. The Rapporteur spécial is, therefore, accountable for indications of either negligence, or incompetence, or indications that he did not do his homework.

Now consider this: the Rapporteur spécial is telling the international community that there are 400,000 “Banyamulenge” to 40,000,000 Zairians. That would make “Banyamulenge” 1% of Zaire, while more than 200 ethnic groups would account for the remaining 99%. Need we say more? The Rapporteur spécial is also telling the natives in Fizi, Uvira and Mwenga that they are the majority there, while actually, at 35.73%, “Banyamulenge” would be the majority group in Fizi, Uvira and Mwenga. The Rapporteur spécial cannot have it both ways. There are several issues that arise immediately, of which this. At 1% of the population of Zaire, “Banyamulenge” would be among important groups in the country. If this is the case, then there must have been ways in which their demographic weight must have manifested itself in earlier times of the history of Zaire. We look at one of these aspects in section 3. For now, we cannot but raise questions about the parameters that the Rapporteur spécial and “Banyamulenge” used to reach the conclusion that a group of 400,000, which is larger than any native group in Fizi, Uvira and Mwenga, is a minority in these zones, given the meaning proposed above. We suggest that no parameter was used. Rather, the Rapporteur spécial is either treating “Banyamulenge” leaders indulgently, or striving to give credence to their falsehoods. Otherwise, the Rapporteur spécial would have realized that there was something wrong with the numbers. This fact, we argue, is a very serious indication that the Rapporteur spécial does not care for objectivity, which raises issues about his motives, moral integrity, or competence. We would like to be proven wrong, but we maintain that the Rapporteur spécial used the same parameter as “Banyamulenge” leaders: *fantasy*. Either way, questions must be raised about the motives, moral integrity and/or competence of the Rapporteur spécial. To restate the obvious, we would like to know why 400,000 people living in Fizi, Uvira and Mwenga, clearly the largest group there, are presented to the international community as a minority there. If they are a minority, then the magic number 400,000 must be hyperinflated. We would like for *everything to be laid down on the floor for us all to see*.

Zaire is country in shambles right now, where, in the Rapporteur spécial’s words, “L’Etat demeure absent...” (para. 120f). We submit that this is no excuse for the Rapporteur spécial to fail to scrupulously cross-check matters as essential as census numbers with government officials. The result is that the Rapporteur spécial, who should be impartial, must now rely solely on information fed to his office by “Banyamulenge” leaders. If it were for lack of time for the collection of said data from the *Département du Plan*, or any other office in Kinshasa, then intellectual honesty should have required that the Rapporteur spécial refrain from doing the said job and/or not include the said numbers in the report. Because of what the Rapporteur spécial says (para. 8),

Le Rapporteur spécial a pu effectuer sa mission en toute liberté et a été reçu par toutes les autorités auxquelles il avait adressé une demande à cet effet.

we find no excuse for this laxity: the Rapporteur spécial could have cross-checked the census information by the government of Zaire against that provided to him by NGOs or

“Banyamulenge” leaders, had he requested to see the appropriate officials. For failing this, the Rapporteur spécial must have full confidence in “Banyamulenge” leaders. Now, if, as the Rapporteur spécial claims, the anti-Rwandan feeling instilled in Zaire in the last 30 years due to a heightened nationalism is running deep (para. 123), then we would like to know where, and how “Banyamulenge” got the census numbers; which leads to the question of how they got the breakdown along ethnicity lines; and why the numbers of the natives of Fizi, Uvira and Mwenga were not computed against those of “Banyamulenge”. If the number 400,000 came from the official census, then that of the natives along with their ethnicity must have been available too. In which case, they would have served as one of the elements in the reevaluation of the claim that, at 400,000, “Banyamulenge” are a minority. This raises the question of whether “Banyamulenge” leaders conduct population censuses for their kinsmen. For everything would seem to imply that “Banyamulenge” have installed parallel political institutions in Zaire. It would seem that this aspect of things was not carefully looked into. We regard this as a very dangerous precedent. In any case, we are entitled to know all the parameters that led to the claim that at 35.57%, “Banyamulenge” are a minority in Fizi, Uvira and Mwenga, where ten ethnic groups live. This fact alone goes against the clause that “Banyamulenge” are a minority in Fizi, Uvira and Mwenga. We take the fact that the Rapporteur spécial failed to countercheck a small, but essential detail in his evaluation of the minority status of “Banyamulenge” as a sign of either serious negligence or incompetence in his job. There are many other facts that make the Rapporteur spécial very negligent, in his tenure, very partial and very unfair to the natives of Fizi, Uvira and Mwenga. This, we will argue to the international community, seriously erodes the Rapporteur spécial’s credibility, at the same time it raises questions about his moral integrity and/or competence.

3. Political power

In this section, we assess the political power and influence that “Banyamulenge” are said to have wielded during the colonial and post-colonial period. We will show that none of the statements by the Rapporteur spécial relative to such power and influence holds true.

3.1 *The lost tribe*

In May 1960, elections to the provincial assemblies and the Parliament chamber were held in the Congo Belge. These elections were of considerable importance: this is the eve of June 30, 1960, the day the Congo gained independence from Belgium. Moreover, the implication was that the first governments of the République du Congo at the provincial and national levels would stem from those elections. The expectation is that someone with political importance or savvy should have known what June 30, 1960 meant for the entire nation, and could have capitalized on the circumstances to wield more power, or influence. As is well known, ambition is a crucial factor to motivating someone into politics. Another parameter is education. In Sud-Kivu, although indications for 1955-1957 are that it was low, education nonetheless was there.⁵ Many who were both educated and ambitious ran for office. As a matter of fact, people were elected to the provincial assembly who used to hold different jobs before June 30, 1960.⁶

⁵ J. C. WILLAME, *op. cit.*, pp. 113-114.

⁶ *Ibid.*, p. 138.

With this said, let us see what happened in preparation for the May 1960 elections. In Sud-Kivu, 1959 and 1960 are characterized by three elements: (a) the painstaking establishment of political parties of nationalistic tendencies; (b) the creation, in rural areas by the colonial administration of parties which were intended to counterbalance the parties of nationalistic tendencies; and (c) the emerging of parties “à base tribale.”⁷ The party with the largest mass appeal in the country was Patrice E. Lumumba’s party, *Mouvement national congolais - Lumumba* (MNC-L). Patrice E. Lumumba became the first Prime Minister of the République du Congo. The strongest party in Kivu was *Centre de regroupement africain* (CEREA).⁸ BaFuliru and BaVira affiliated with MNC-L and CEREA; BaLega with *Union des Warega* (UNERGA),⁹ and BaBembe with *Union économique des Babembe de Fizi* (UNEBAFI), which had aligned itself with MNC-L. These are *facts* recorded down in documents that deal with the political evolution of Zaire. In addition, the natives did not stop at affiliating with a party: they must have gone to the polls to vote for some of those who had ventured to run in the elections. Thus were elected: Marandura, Ruanika, Rukengenza and Ngezirabona, all BaFuliru (CEREA); Kititwa, a Lega (UNERGA).¹⁰ Babembe won the three seats that were being contested in the provincial elections in Fizi.¹¹ Interestingly, people could run in areas outside their native land. Thus, Malago, a Fuliru, ran as a member of *Regroupement congolais* (RECO), headquartered in Ngweshe. He was elected, and went on to become president of the provincial assembly.¹²

Now, if numbers, political power, savvy or importance are anything to rely upon to be elected into office, then “Banyamulenge” had everything going for them. As for numbers: they had them. Given the observation that the two populations are constant, we will proceed with the assumption that, in 1960, “Banyamulenge” would account for 35.6% while the natives would 64.4%. While the latter is made of ten native groups, the former is only one ethnicity. Suppose that one were to equally divide 64.4% into ten groups among the natives. The result would be 6.44% for each native group. “Banyamulenge” would have been on a roller coaster. As for political importance, it goes back to precolonial times, we are told. People with political savvy would therefore have been involved in politics at the local, provincial or national level. There was no reason for them to let the power slip away. Like BaBembe, BaFuliru, BaVira or BaLega, just to name these, they would have identified with a given party, nationalistic or otherwise, and run for office. We suggest that the May 1960 elections were a golden opportunity offered to “Banyamulenge” to further their ambitions, to consolidate their grip on power, as the Belgian rule was coming to an end. We will now assess the claim to political fame by “Banyamulenge” in light of these assumptions and the results of May 1960 elections in Kivu.

Recall how the Rapporteur spécial informs the international community of the political power and influence of “Banyamulenge”:

Leur importance politique, qui remonte à la période antérieure à la colonisation, *s’est perpétuée pendant cette dernière puis après l’indépendance.*

⁷ *Ibid.*, p. 127. Also see B. VERHAEGEN, *Rébellions au Congo*. Tome II. Bruxelles, CRISP, 1966, pp. 69-93.

⁸ C. HOSKYNS, *The Congo since independence: January 1960 - December 1961*. Oxford University Press, 1965, London, p. 63.

⁹ J. C. WILLAME, *op. cit.*, pp. 126-128.

¹⁰ *Ibid.*, p. 139. Also see B. VERHAEGEN, *op. cit.*, p. 269.

¹¹ B. VERHAEGEN, *Rébellions au Congo*. Tome I. Bruxelles, CRISP, 1966, p. 264.

¹² J. C. WILLAME, *op. cit.*, p. 144.

Laconic as this information is, it is very odd that it contains no mention of very specific manifestations of that political importance. More puzzling, yet, is the fact that (history) books written on the Congo, especially about the years leading up to, and following, the independence, fail to mention the said political influence of a certain group known as “Banyamulenge”.

The most authoritative book about this era is *Rébellions au Congo* Tome I & Tome II by B. Verhaegen. The book very meticulously chronicles political events before and after June 30, 1960 in the Congo. So, we verified every single page of *Rébellions au Congo* to see what is said about “Banyamulenge”. Amazingly or interestingly, there was not a single reference to any “Banyamulenge” being voted into office after the May 1960 elections. This is in great contrast to BaBembe, BaFuliru, BaLega, for instance, a minority group each according to the numbers provided by the Rapporteur spécial. Did “Banyamulenge” have a party? What were the tendencies of the parties they affiliated with? Did they present some candidates? Had their candidates for office been swept away by the tide? Etc. All these are legitimate questions that deserve answers, and some of them might have been recorded, we imagine. Another book that talks of these very years is *Les provinces du Congo: structure et fonctionnement. Lomani - Kivu Central* by J. C. Willame. The Rapporteur spécial might be amazed to learn that, just like *Rébellions au Congo*, Willame’s book *Les provinces du Congo: structure et fonctionnement. Lomani - Kivu Central* says nihil about “Banyamulenge”. *Lost in the jungle...?*

How a group that is clearly the majority, and is said to have political importance never fared politically is serious cause for wonder. For instance, were there factors that led to a sudden marginalization of the said group during the crucial times? The answer is in the negative. The reason is that, as we are all told, they wielded “importance politique, qui remonte à la période antérieure à la colonisation et [qui] s’est perpétuée pendant cette dernière.” Unless we are proven to have all undergone lobotomy, May 1960 fits quite well the said time frame. In view of this, we suggest that there are no factors, none, that determined their exit from the political scene. In addition, there are no grounds, none whatsoever, for talking about injustices from the colonial administration. Again, the reason is that they had political power. Furthermore, politicians had not yet discovered, per an anonymous human rights activist, that “Pour réussir en politique, il faut être antirwandais” (para. 26). A natural catastrophe? We think not. For, it would have to be selective, in a manner reminiscent of the tenth plague in Pharaohs’ Egypt. Which would have caught the attention of the Belgian authority. We know of no such catastrophe being recorded in the history of the Congo Belge. Finally, the Rapporteur spécial cannot evade the question of why the two books that describe those years very critical for the history of Zaire are *mute* on both the presence and importance of “Banyamulenge” in the political arena in Kivu and the Congo. We argue that the less obvious to the Rapporteur spécial, but the only possible answer to this question is that *they were not involved politically, neither at the national, nor at the provincial, nor at the local level*. Otherwise, any failure for their achievements to be recorded under Verhaegen’s *Histoire immédiate* approach to history in the Congo would have to be the result of a very powerful collective amnesia, giving new meaning to the title of Conrad’s book *Heart of Darkness*. As will be seen later, this cannot be the case. Also their failure cannot be blamed on hatred: it is only in the last 30 years, we’re told, that an anti-Rwandan feeling has been instilled in Zaire due to heightened nationalism. Never mind that “Banyamulenge” could still hold a “charge publique”, whatever that is, until 1982, that is, more than 15 years after the campaign toward nationalism was launched. Nationalism must be hard to acquire! Be that as it may, the Rapporteur spécial must now have realized that it is one thing to claim to wield political influence or power, it is another to provide real evidence to support such a claim. As seen, the assertion that “des “Banyamulengues” ont été élus lors des premières élections” is far from true. It is more of a figment of their imagination. And imagination, they surely must have. Plenty of it, as we shall see.

There is yet another puzzling fact. While we are forced to the conclusion that, by 1958, “Banyamulenge” are the largest group along the ethnicity lines in Fizi, Uvira and Mwenga, nowhere in the colonial literature on the Congo available to us do we find references to an ethnic group known as “Banyamulenge”. Because (a) surveyors were assigned tasks of identifying ethnic groups in the Etat Indépendent du Congo or Congo Belge, and (b) “Banyamulenge” speak Kinyarwanda, while the natives speak different languages (BaBembe speak KiBembe; BaFuliru speak KiFuliru; BaLega speak KiLega; BaNyindu speak KiNyindu; BaVira speak KiVira, etc.), one would have expected such a group to be easily identifiable by the colonial administration. Apparently not!

Summarizing, it is very clear that, if “Banyamulenge” wielded any political power at all, the latter impressed nobody so as to be worthy of recording. Even their demographic weight did not show any effects at all. This seems very strange, to say the least. Which is enough to justify a different explanation to this confusing state-of-affairs. Toward that end, we will present few details about their ancestors who had migrated from Rwanda towards, we will argue, the end of Rwabugiri’s reign (ca. 1860-1895).

3.2 *Let there be light*

The migrants from Rwanda described in Depelchin’s doctoral dissertation presented at Stanford University in 1974 came from the ranks of the ruling class,¹³ and were among the wealthiest members of the entourage of Rwabugiri.¹⁴ The migration was the largest from Rwanda.¹⁵ Depelchin provides us with many parameters that have direct bearings on the issues on human rights that the Rapporteur spécial talks about. So, we will let Depelchin tell the story:¹⁶

Almost all the Tutsi informants attributed their migration from their homeland to Rwabugiri’s abusive uses of power. The details of what led Rwabugiri to these excesses were hard to ascertain, but excesses they were, mostly in the form of raiding and forcibly appropriating cattle from the wealthiest members of his entourage. Did Rwabugiri act unprovoked, or was he responding to a real threat aimed at overthrowing him? These are questions that could not be elucidated from talking to informants, who displayed no eagerness to discuss that episode of their past. Their silence was psychologically understandable if only because people in general do not wish to suggest that their actions--in this case a plausible attempt to overthrow Rwabugiri--were the causes of their misery--in this case forced migration.

Besides the abusive practice of the *nyaga* principle by Rwabugiri, his long and continuous military campaigns against neighboring people are also cited as a plausible cause for discontent. These long-drawn campaigns meant that the young warriors had to be away from their families for a long time.

As already hinted, one of the most notable features of the migration was that it did not seem to have taken place in an atmosphere of panic. Even adventure, an ingredient that one can easily associate with migratory movements, was absent. Indeed, one interpretation went as far as suggesting that it was all-planned: a delegation came to Rwanda to discuss the terms under which they would settle in Furiiru country. The Tutsi were given grazing land for their cattle in exchange for an animal tribute to be paid to the *mwami* of the Fuliiru.

When the Rwanda eventually crossed the Ruzizi river they first settled at Kakamba toward the northwestern corner of the valley floor. They did not stay there for very long because, accustomed to high altitude, they found the climate unbearable both for themselves and for their cattle.

¹³ J. M. F. DEPELCHIN, *From pre-capitalism to imperialism: a history of social and economic formations in Eastern Zaire* (Uvira Zone, c. 1800 - 1965), Ph.D. dissertation, Stanford University, CA, 1974, p. 72

¹⁴ *Ibid.*, p. 68.

¹⁵ *Ibid.*, p. 65; p. 66.

¹⁶ *Ibid.*, pp. 68-71.

Surrounded by mountain ranges on all sides, the Tutsi were constantly being reminded of their former environment, and they must have longed for a quick return to it. Slowly, they started toward the slopes until they reached a place called Mulenge at about 1,800 meters. For many years afterwards, Mulenge was the quasi capital of the Rwanda, so much that their companions who stayed behind referred to them as "Banya-Mulenge." The name stuck even though the basis for it no longer exists.

Coming from the ruling class, the Tutsis believed in the class system present in Rwanda and its ideology, a feature of which is the political and economic subjugation of Hutus.¹⁷ Depelchin says that, although they tried to reproduce that system in Fuliiruland, they failed, owing to the fact that *the land was not theirs*.¹⁸ In addition, they did not mix with other people, prone to isolationist tendencies of aristocrats. Thus:¹⁹

Ever since their arrival in the area, the Rwanda have always sought to isolate themselves from the surrounding ethnic groups. They did achieve some measure of cultural and social isolation. [...] This isolation was partly due to the aloof and patriarchal attitude typical of members of the ruling class which will not mix with the commoners. Partly it was due to self-preservation.

Around 1924, in an ironic twist of events, the Rwandans who had left Rwanda during Rwabugiri's reign to flee his excesses, had to move again to get away from the excesses of another ruler, the Fuliiru mwami: Mokogabwe:²⁰

Mulenge is not far -- a four to six hour march -- from the Fuliiru capital, Lemera. The Tutsi realized that if they were going to stop Mokogabwe from overexercising the *nyaga* principle, they would have to move as far away as possible from Lemera. Hence, their request to the Belgian Administrator for permission to move toward the Itombwe region. Permission was granted, but the Tutsi did not move *en masse*. Neither did they all move toward Itombwe (...). Those who had the most to lose are probably the ones who sought to put the greatest distance between themselves (and their cattle) and Mokogabwe. The bulk of the Tutsi moved southward and eastward, remaining on the slopes, and also occupying the edges of the high plateaux. Some families did go as far as Itombwe where they found vast stretches of flat and excellent grazing land, and also the long-sought after isolation from other ethnic groups as well as from the colonizers' law.

Depelchin also points out that the extortionist tactics of Mokogabwe played a significant role in inciting the Tutsi to further isolate themselves. This is all that we will need to explain (a) the falsehoods of the claims by "Banyamulenge" to fame and wielding political power: any claim by "Banyamulenge" to fame and political importance or power is a *myth*...; and (b) the absence of "Banyamulenge" from the political arena in Kivu, as seen in 3.1, following the May 1960 elections: it follows from their self-imposed isolation.

3.3 *Paradise lost, paradise remembered*

For one to argue the case that the descendants of the Tutsis that migrated from Rwanda towards the end of Rwabugiri's reign had political power in the Etat Indépendant du Congo, and the Congo Belge as well as the first four years of the République du Congo, it is necessary to show that only Tutsis are governed by the following principle:

Ubiquitous and Sempiternal Political Power Inheritance Principle (USPPIP).

17 *Ibid.*, p. 72.

18 *Ibid.*, p. 75.

19 *Ibid.*, pp. 63-64.

20 *Ibid.*, pp. 71-72.

For every person x born to y , y a bearer of political power or influence over q , shield x from falling from grace for a period t , $t \geq 0$.

We make a difference between members of a ruling class and a monarchy. Let us call G-1, short for Generation-One, the first children born to the members of the ruling class that had migrated from Rwanda. Now, we do not think that the Rapporteur spécial intends to say that G-1, and the children born to them, were all bestowed with political power, or influence. For it is only under USPPIP that one could make sense out of the Rapporteur spécial's sentence that "Leur importance politique, qui remonte à la période antérieure à la colonisation, s'est perpétuée pendant cette dernière et après l'indépendance." Now, we know that political power is defined over a variable, q , in USPPIP above. As has been observed by many, Tutsi power in Rwanda was predicated on the political and economic subjugation of Hutus. For having both negotiated their way out of Rwanda and left the Hutus behind, the Tutsis left behind the variable over which their power was based. Moreover, with their passing away, the old guard would have taken with them any political influence they would have retained from their days in the entourage of Rwabugiri. The result would be that G-1 and their offspring had to work hard to achieve political power, or influence in the Congo Belge. Their isolationist tendencies would stand as a barrier towards their attaining such power, however. Suppose now that USPPIP acts as a *deus ex machina* in such a case, bestowing G-1 and their offspring with political power. It follows that, although ubiquitous and sempiternal, the said political power would be vacuous; thence the fact that it could not be perpetuated. There being nothing like vacuous ubiquitous and sempiternal political power, all claims about political power perpetuating during the colonial times in the Congo Belge are once more a figment of their imagination. As for after the independence, we saw that "Banyamulenge" were totally absent from the political arena in Kivu. In other words, by crossing the Ruzizi river, it was: "bye bye political power! sniff!". Whence the fact that they had to pay animal tribute to the Fuliru mwami. We also know that *they did not succeed in establishing a class system predicated on the political and economic subjugation of others in Fuliruland*. On the other hand, Depelchin reports of Tutsis hiring themselves as laborers to the Fuliru. One form of such labor consisted in looking after a Fuliru's cattle, for which the salary was milk, all they wished.²¹ And this: while back in Rwanda, the Tutsis relied on Hutus' labor for the production of food, they had to produce their own food in Fuliruland, at least until such time when an exchange economy developed and Tutsis started buying food from Fuliru.²² How close they were to the colonial power, we cannot say. It is significant, though, that they had to be granted permission by the Belgian Administrator to move toward Itombwe in search for isolation. So much for people whose "importance politique remonte à la période antérieure à la colonisation, [et] s'est perpétuée pendant cette dernière..." Whew!

On the other hand, that "Banyamulenge" had no party affiliation or any interest in running for office is thus understandable: they were out of the loop, as it were. Failure to win a seat in the May 1960 elections appears in brighter lights: it is a consequence of their isolation, political or otherwise; and, as will be seen later, of their relatively small numbers.

4. Numbers again

Based on the number 400,000 provided by the office of the Rapporteur spécial, we try to determine how many "Banyamulenge" crossed the Ruzizi river in their migration to the Congo.

²¹ *Ibid.*, pp. 81-82.

²² *Ibid.*, p. 73. Also *Ibid.*, p. 74, footnote 24: Tutsi had no political power over the Fuliru.

Assuming the number 400,000 to be correct, we will see discrepancies for which there is no explanation; which suggests that the said number is wrong. We suggest that it is a moral fraud.

4.1 *When did they cross?*

The question of exactly when the Tutsis crossed into Fuliruland is a difficult one to answer. Nonetheless, there are indications that point to the hypothesis that they did so at the turn of the 20th century, and not of the 19th century as stated by the Rapporteur spécial. To show this, we will consider the accounts of the Tutsis' migration by both the Rapporteur spécial (section 1) and Depelchin (section 3.2) in light of the following passage taken from a letter sent by "Banyamulenge" leaders to the Conférence Nationale Souveraine (CNS) in Zaire:

...Mr Dekooy, agent de l' Etat Indépendant du Congo (E.I.C.) dans son rapport de reconnaissance de poste de Luvunge en 1904, affirme ce qui suit: "Ceux du Rwanda ne se livrent à aucun travail de culture, ils élèvent tout simplement le bétail et se nourrissent presque exclusivement du laitage et de quelques vivres qu'ils achètent par voie d'échange aux Mufulero."²³

There are two points to make here. The first is that both accounts agree in there being a group of Rwandans settling at Kakamba, in the Ruzizi river valley (and not plateau, such a thing not being there!), before moving towards Mulenge, Itombwe and elsewhere. The only way for both accounts to be true would be for the 1797 migrants to split into two groups such that one of them went straight to, and stayed put at, Kakamba, while the other became members of the ruling class during the reign of Kigeri IV Rwabugiri, before joining the first group at Kakamba. We find this scenario very unlikely, and we challenge the Rapporteur spécial to show that it is plausible. For it would be a unique coincidence for both groups to settle at Kakamba first, before moving to Mulenge, and elsewhere. Because Kakamba is in the "poste de Luvungi," and five kilometers away from Luvungi, the capital of "poste de Luvungi," we suggest that the Rwandans spotted by Mr. Dekooy, and mentioned in his 1904 report, are those who had settled at Kakamba. By the two accounts, these Rwandans would be the ancestors of "Banyamulenge." By the Rapporteur spécial's account, they would have been at Kakamba for more or less a century. In contrast, by Depelchin's account, they would have been around for at most four decades, assuming that they left in the middle of the reign of Kigeri IV Rwabugiri (ca. 1860-1895). Now, if these Rwandans did not stay at Kakamba for very long because of the climate and the need for better grazing lands for their cattle, then neither account provides us with an answer to the questions of (a) why it took the Rwandans so long before they realized that the climate had started wearing them and their cattle out; and (b) why the Rwandans, in contrast to BaFuliru, were not affected by the incursions of either the so-called "arabisés" into Fuliruland,²⁴ or the BaTetela mutinied soldiers from the Force Publique who had moved into Fuliruland and Viraland by 1894. Depelchin observes that these mutinied soldiers terrorized the population in Fuliruland by their indiscriminate extortions.²⁵ The Rwandan Tutsis never refer to this period, though; which suggests that they were not around by 1894. This, it bears repeating, is a year before Rwabugiri's reign comes to an end. So, the Rwandan Tutsis could still have left Rwanda by this time, in line with Depelchin's account, and be spotted in the "poste de Luvungi" in the early years of the 20th century. This is indeed what we suggest: the Rwandans

²³ Letter by "Banyamulenge" leaders to the *Conférence Nationale Souveraine*, Kinshasa, July 6, 1991, p. 7.

²⁴ B. VERHAEGEN, *Rébellions au Congo*, Tome I, Bruxelles, CRISP, 1966, p. 261.

²⁵ J. M. F. DEPELCHIN, *op. cit.*, p. 62.

left towards the end of Rwabugiri's reign. The second point is that, by 1904, the Rwandan Tutsis had not yet reached Mulenge, after which "Banyamulenge" name themselves! In light of the above facts, we hypothesize that the Rwandan Tutsis have been in the area for at most 100 years. Which would mean that they first moved in during the Etat Indépendant du Congo (EIC).

4.2 *How many were they?*

If, as Depelchin says, the Rwandans who migrated came from the ranks of the ruling class, then their numbers must have been relatively small. By our estimates based on the numbers given by the Rapporteur spécial, and the exponential growth function, the Rwandans would have to be around 14,900 in 1900. Five facts argue that this estimate is not correct: it is too high. The first fact is that Kakamba *cannot* accommodate such a big population (together with their cattle). The second is that the Tutsis came from the ranks of the ruling class, and were among the wealthiest of Rwabugiri's entourage, which would cut down their figure considerably. The third fact is that they did depend on BaFuliru for food. Indeed, Depelchin observes that BaFuliru grew food and sold what was not needed for their own consumption to the Rwandan Tutsis; and that the latter's reliance on BaFuliru for food increased as they moved away from Lemera, the Fuliru capital.²⁶ The fourth fact is this. Hiernaux is known for his many studies on biological aspects of human diversities. One of his studies involved morphological differences between Tutsis living in Rwanda and those living in a different environment. The latter, Hiernaux found in Itombwe. The sample included 270 individuals, of whom 136 females and 134 males. Commenting on these, Hiernaux writes:²⁷

...les 46 sujets examinés à Rurambo constituent la presque totalité des hommes adultes non sénescents de la région couverte par l'enquête démographique ... (à Gihande), il semble que les 54 sujets qui ont été mesurés représentent une fraction importante de la population masculine adulte Tutsi des environs. Les parents des cents sujets sont pour la plupart nés dans un cercle géographique restreint sur le versant des montagnes qui surplombent la plaine de la Ruzizi. Dans les autres cas, ils sont nés au Rwanda: une certaine immigration du Rwanda avait encore lieu à la génération précédente.

Recall that, although the Rwandan Tutsis in Mulenge were granted permission by the Belgian administrator to move to Itombwe (see section 3.2), only some families did so. A generation later, that is, when Hiernaux conducted his study in the mid fifties, those who had moved from Mulenge represented less than 300 people; which could represent some fifty families (of five members each). It is more likely that less than thirty families made the first trip from Mulenge. This should put into perspective the numbers of those who were left behind in Fuliruland. Finally, consider this further fact. In his 1956 study, Father Kajiga estimates at 6,000 the numbers of Rwandans living in Uvira and Fizi. Explaining when and why they migrated from Rwanda, Kajiga says that Rwandans left under the reign of Yuhi IV Musinga (1896-1931) in fear of his tyranny and reprisals after an assassination attempt:²⁸

C'est par suite de l'attentat de Rucuncu, en 1896, que, fuyant la tyrannie et les représailles du Roi Musinga, ils atteignirent le Congo par Kaziba. Ils s'établirent sur les hauts plateaux d'Uvira où ils

²⁶ *Ibid.*, p. 72; p. 75.

²⁷ J. HIERNAUX, "Note sur les Tutsi de l'Itombwe (République du Congo). La position anthropologique d'une population émigrée." in *Bulletins et Mémoires de la Société d'Anthropologie de Paris*, 7, XI, 1965, p. 365.

²⁸ G. KAJIGA, "Cette immigration séculaire des ruandais au Congo." in *Bulletin Trimestriel du Centre d'Etude des Problèmes Sociaux Indigènes*, 1956, pp. 10-11.

mènent une vie de pâtres. Ces dernières années, quelques familles de ces groupes ont poussé une pointe jusque sur la croupe des montagnes de Fizi où leurs bestiaux trouvent aussi d'excellents pâturages.

It is interesting that Kajiga makes a reference to Rwandans living on the high plateaux of Uvira. Because some Tutsis went to live on these plateaux (section 3.2), it must be the case that the number he suggests includes those Tutsis that Depelchin deals with, that is, those who migrated towards the end of the reign of Kigeri IV Rwabugiri, and their descendants. Add 300 to include those in Itombwe (see Hiernaux), and one has 6,300; which we round up to 7,000 for when Kajiga's study was made, presumably, in 1954. If there were 14,900 Rwandan Tutsis in Fuliruland by 1900, they would have been 98,630 in 1954, based on the exponential growth function computed on a growth rate of 3.5% per annum. The only way to explain the number given by Kajiga would be if some natural calamity befell the Rwandans. No such calamity is reported in the history of the Congo Belge. Based on the exponential growth function and the numbers given by Kajiga and Hiernaux, we hypothesize that there were around 900 Randwans in the Ruzizi valley at the beginning of the 20th century, contrary to what we would be made to assume based on the number provided by the Rapporteur spécial. Under all accounts, their presence would be due to at least two waves of migration.

At 7,000 in 1954, Rwandans would have been estimated at 28,400 in 1994 (assuming a growth rate of 3.5% per annum, and a 40 year time frame, say 1954, from when Kajiga's study was made). On the other hand, given the magic number 400,000, this means that 371,600 people are unaccounted for. That's a whopping 92.9% of people missing. It is very difficult, if not impossible, to explain this difference based on the number provided by the Rapporteur spécial. This fact forces upon us two hypotheses: either (a) the number is hyperinflated; or (b) there has been constant migration. To exclude the first hypothesis, one needs to have access to the villages that "Banyamulenge" have settled: Galye, Kishenbwe, Munanira, Majaga, Shangi, Katoki, Lutabula. If these villages are homogeneous, then this fact alone would put the average population of each of these villages at around 57,000. Add grazing land for the cattle [unless there are antibiotics or hay being fed to animals kept in cowsheds], and one has villages that cover very large areas. Anyone who has ever visited a village in Sud-Kivu, or Zaire, for that matter, cannot believe that there are villages that can reach such numbers in terms of their population. Consider, in this light, the fact that the population of Uvira, the capital of the zone of Uvira, is less than 50,000 (modulo the presence of the refugees from Burundi, today). And, besides its being a port and the second city in Sud-Kivu after Bukavu, Uvira has been an administrative and commercial center for decades, a place that people would come to in search for jobs, to attend schools, etc. We challenge the Rapporteur spécial to come up with aerial pictures of these villages for us all to see.

The second hypothesis is supported by the following statement from Depelchin:²⁹

...the single greatest movement took place under the reign of Rwabugiri, but the migration should be seen as an open-ended-process -- at least up to 1962 when Rwanda achieved independence ...

We know of no way of dismissing the second hypothesis, either. On the other hand, we cannot say when the migration stopped.

4.3 *Some consequences*

²⁹

J. M. F. DEPELCHIN, *op. cit.*, p. 66. Also see Hiernaux above.

Many things follow from our analysis. As for the arrival time: the Rwandan migration is clearly a phenomenon to be located at the turn of the 20th century; moreover, it involves different waves. As for the number 400,000: it would allow “Banyamulenge” leaders to incorporate Rwandan Tutsi refugees or illegal immigrants who have been living in the areas for years, or those who might have been brought in to justify the said numbers. The burden of proof that “Banyamulenge” are all descendants of those Rwandan Tutsis that left Rwanda towards the end of the reign of Rwabugiri is on the office of the Rapporteur spécial. The said number could also serve as a basis for claims towards an administrative entity that would be carved out of Fizi, Uvira and Mwenga and given up to “Banyamulenge” in flagrant violation of the traditions related to land possession. It should be noted that, unlike the natives, “Banyamulenge” have no area that may be said to be their ancestral land which was passed on by their ancestors by the time the continent was carved out to a few Europeans at the Berlin conference.

As for the name “Banyamulenge”: it is a way for the Rwandans to provide themselves with a different identity, quite oblivious of the fact that Mulenge, in Fuliruland, is settled by BaFuliru; and that it was so when their would-be ancestors got there after 1904. At most, that name is a property of those BaFuliru in Mulenge. More than principle is at stake, here. The Rapporteur spécial is taking a scientifically fraudulent name and giving it credence. We wonder whether this will not open the door to claims by the Rwandan Tutsis to Mulenge and surrounding areas.

As for the nationality issue, the following aspect of the law on the Zairian nationality must be emphasized:

Est Zairois aux termes de l'article 11 de la constitution, à la date du 30 juin 1960, toute personne dont un ascendant est ou a été membre d'une des tribus établies sur le territoire de la République du Zaïre dans ses limites du 1er août 1885, telles que modifiées par les conventions subséquentes.

The pertinent question is therefore, “By June 30, 1960, did “Banyamulenge” constitute a tribe that was established inside the borders of Zaire by August 1, 1885?” This issue, we leave for the Zairian government to address. Suffice it to say here that the Rapporteur spécial’s claim that the ancestors of “Banyamulenge” started migrating into the Congo by 1797 is a fraudulent way to get around the requirement above. If the Office of the High Commission on Human Rights is about anything, it is about protecting human rights and justice. It is not about promoting injustice through fraud.

As for the pressure from the international community being put on the government of Zaire: this is a way for “Banyamulenge” to get the Zairian nationality collectively, without having to go individually through the required procedures, there being no *jus soli* in Zaire (Zaire is not alone here, and would be in the same league as Rwanda, Burundi, Germany, or Japan, to name only a few countries). Thus, the claim by the Rapporteur spécial that the Rwandan Tutsis have no nationality (paragraph 130) strikes us as very odd. This is so in light of the recent events of Rwanda, whereby a group of refugees that had left Rwanda as early as 1959, and their descendants born in exile, have come back to Rwanda. Had they all lost their Rwandan nationality, one would be forced to claim that Rwanda has been invaded by foreigners. Since such a claim is not being made by the international community, we conclude that all those who returned to Rwanda are Rwandans. In view of this, it cannot be said that the Tutsis living in Sud- and Nord-Kivu have no nationality: they must have kept their Rwandan nationality like all others.

5. Other flagrant manifestations of partiality

There are other glaring manifestations of partiality by the Rapporteur spécial. Here, we will look at three such cases. What they all have in common is that the views of the natives are not presented at all.

5.1 *The rébellion muleliste*

The Rapporteur spécial says:

Ils ont vécu en harmonie avec les peuples autochtones [...] jusqu'en 1964, année où a éclaté la sanglante rébellion mulehiste opposant agriculteurs aux éleveurs, ces derniers étant banyamulengues.

Because we would not consider the Rapporteur spécial an authority on *the rébellion muleliste*, we suggest that the germ of this sentence has been planted in his office by “Banyamulenge” leaders. What is appalling is that, yet again, the Rapporteur spécial has failed to do his homework: he has not scrupulously verified details pertinent to the information which he is passing to the international community about “Banyamulenge”. Had he done so, the Rapporteur spécial would have learned about, among others, B. Verhaegen’s work that discusses this civil war that affected three-quarters of the country.³⁰ And, contrary to what he was made to believe and convey to the international community, the Rapporteur spécial would have learned that the *rébellion muleliste* had nothing of a conflict between farmers and cattle breeders known to him as “Banyamulenge.”

Named after Pierre Mulele, the *rébellion muleliste* originated in Kwilu, Bandundu, in January 1964. It was an awful, bloody popular uprising directed at the central government in Léopoldville, today Kinshasa, as well at the provincial level. Writing about its roots, Verhaegen says:³¹

Un observateur éloigné de la scène congolaise peut expliquer les rébellions populaires de 1964 par l'existence de conditions objectives favorables à l'éclosion d'un mouvement révolutionnaire. En effet, la situation économique générale, après trois ans de troubles, de guerres civiles et d'incohérence administrative était désastreuse. Les conséquences étaient particulièrement sensibles à l'intérieur du pays où les cultivateurs avaient vu leur revenu se détériorer encore par la dévaluation de 1963. Le partage inégal des avantages du pouvoir parmi la nouvelle classe de politiciens et l'installation, avec l'appui de l'O.N.U., de gouvernements modérés dans la capitale et dans les provinces avaient en outre suscité une «contre élite» chez les partis nationalistes dont les représentants avaient été peu à peu éliminés de la vie publique. Ce phénomène était particulièrement ressenti dans les régions et les provinces où ces partis avaient leurs plus grands succès. A la misère économique des masses s'ajoutait donc, dans ces régions, la frustration politique de leurs dirigeants, ce qui favorisait à nouveau l'amalgame de toute la population comme en 1960. Sans compter que la création des nouvelles entités politiques provinciales avait multiplié les sources de conflits tribaux et des tensions sociales et politiques.

And on how it spread very rapidly across the country, we read the following:³²

³⁰ B. VERHAEGEN, *Rébellions au Congo*. Tome I & Tome II. Bruxelles, CRISP, 1966. Also see B. VERHAEGEN, “1963-1965: d’oppositions en rébellions.” in *Congo - Zaïre: la colonisation -- l’indépendance le régime Mobutu -- et demain?* Collection GRIP-informations. Bruxelles, 1989, pp. 89-95.

³¹ B. VERHAEGEN, “Dix ans d’indépendance.” in *Revue française d’études politiques africaines*, n° 57, septembre 1970, pp. 17-25.

³² B. VERHAEGEN, “1963-1965: d’oppositions en rébellions.” in *Congo - Zaïre: la colonisation -- l’indépendance le régime Mobutu-- et demain?* Collection GRIP-informations. Bruxelles, 1989, pp. 92-93.

En trois mois les rebelles de l'Est, qui se sont donné le nom de Simba (*lion* en swahili), occupent la moitié du Congo. [...] Sur les vingt-et-une capitales provinciales, sept sont aux mains des rebelles à la fin du mois d'août.

In addition, the involvement of “Banyamulenge” in the *rébellion muleliste* is on record, and cannot be suppressed at all. Thus, Verhaegen writes:³³

Les tutsi rwandais prirent également une part importante dans l'Armée Populaire après la prise d'Uvira.

Here *Armée Populaire* is opposed to the government troops, known as *Armée nationale congolaise* (ANC). The involvement of the Tutsis in the *Armée Populaire* did not last very long. For, as soon as the *simba* started losing to the ANC, the Tutsis, opportunistic, sided with the latter. The confrontations that followed between some natives and the Tutsis should be understood in a context of betrayal, or breach of a trust, so to speak.

What we see is that research in a library reveals a different story. What is appalling is that history is put aside in favor of expediency and oversimplification. The revisionist quest that the Rapporteur spécial is promoting is, to say the least, an insult, not only to all those Congolese who died in their fight for a better country, but to the Zairian nation as a whole. In light of the above facts, the account by Rapporteur spécial begs the questions of what three-quarters of Zaire would have had against the Tutsis living in Sud-Kivu; and of how these Tutsis would have survived the ordeal that they allegedly went through, that is, why they were not literally exterminated. In accepting and publicising the Tutsi version of the *rébellion muleliste* without bothering to check all that is known or written about this event, the Rapporteur spécial is dangerously playing in the hands of the Tutsi leaders, who might have designs of their own about the Great Lakes region.

To repeat the obvious, we find it inexcusable for a body like the United Nations which has both human and financial resources (however strained and/or limited) to fail to check sources or references in a library before filing some reports. Given the complexity of the events, we would expect one (a) to educate oneself about the relevant issues; which would have been an exercise in intellectual curiosity, and honesty; and (b) to understand the issues as well as all the parameters involved thoroughly, instead of misleading the international community about the natives of Fizi, Uvira and Mwenga in a slanderous manner.

5.2 Archives

Another indication of the Rapporteur spécial's biased position in favor of Tutsis lies in his blaming the impossibility of the identification of *filiations* (descents) and *nationalités* (nationalities) in Nord-Kivu on the destruction by BaHunde and BaNyanga of pertinent archives (para. 24). This claim, which incidentally is predicated on the fallacy that oral traditions cannot be relied upon in order to determine how the communities have developed in Nord-Kivu, requires stiff proof that the United Nations may come close to not possessing. And in case the

³³ B. VERHAEGEN, *Rébellions au Congo*, Tome I, Bruxelles, CRISP, 1966, p. 322. Also see F. REYNTJENS, “Rencontres burundaises: “Inyenzi” du Rwanda et rebelles du Kivu.” in H. WEISS & B. VERHAEGEN, *Les rébellions dans l'Est du Zaïre* (1964-1967), n° 7-8, 1986, CEDAF, Bruxelles, pp. 123-137.

United Nations do, then they should provide it for all to see. Whatever the case, while the identification of illegal immigrants and their descendants might prove a very tedious task, that of the refugees should be easy. For J. C. Willame has the following to say about the early refugees in Kivu:³⁴

Selon les estimations de l'U.N.C.R. (United Nations High Commission for Refugees), sur les 60.000 réfugiés rwandais installés au Kivu, 25.000 étaient hébergés, en 1962, dans des centres entretenus aux frais des Nations-Unies; parmi ceux-ci, 2.821 se trouvaient sur le territoire de Kalehe, 2.000 dans le territoire d'Uvira et plus de 10.000 à Goma.

Which should hold for the 1959, or 1970s refugees. It is extremely difficult to imagine that BaHunde and BaNyanga have managed to destroy the UNHCR archives relevant to the identification of the Tutsi refugees and their offspring in both Nord- and Sud-Kivu. Incidentally, the fact that “Banyamulenge” leaders made a similar accusation relative to “*falsification, par les autorités locales, des documents officiels conservés dans les archives de ces zones* [i.e., Fizi, Mwenga et Uvira] *concernant les “Banyamulenge”*”, we do not find coincidental.³⁵ We suggest that it is part of a scheme by a group of people driven by deceit, demagoguery and moral bankruptcy, be they laymen, such as one Muller Ruhimbika of the *Groupe Milima* in Uvira, or men of the cloth, such as Mgr P. Kanyamachumbi, an expert in the doctoring of the history of the Great Lakes region,³⁶ or the Bishop of Uvira, Mgr J. Gapangwa, an arms smuggler.³⁷

5.3 Paranoia

We wonder why the following should be part of the Rapporteur spécial's document:

La situation des Banyamulengues a empiré avec les conflits au Rwanda et au Burundi. *On les accuse de la mort du Président Ndadaye du Burundi (un Hutu)...*

International news reports (e.g., New York Times, Reuter, Voice of America, BBC, Radio Canada) that we have read or listened to about President Ndadaye's death blame the latter on an abortive coup attempt. Thus, in the words of Voice of America, President Ndadaye's assassins are known as “renegade Tutsi soldiers from the Tutsi-dominated Burundi army.” This is a fact that is also known all over Sud-Kivu, or Zaire. It also is the case that the United Nations have set up a commission of their own to look into President Ndadaye's death. It would therefore require one to stretch one's imagination beyond the limits of absurdity to accept the claim that the natives in Sud-Kivu are blaming President Ndadaye's death on “Banyamulenge” living in Sud-Kivu. For the Rapporteur spécial then to sympathize with “Banyamulenge” about the allegation that they are the assassins of President Ndadaye is nothing less than kowtowing to a few Tutsis. Worse, it is a chilling warning to us that the United Nations will shamelessly go all the way to side with the Tutsis in their puerile fantasies and expansionist visions. Common sense dictates that the United Nations not provide moral support of any kind whatsoever to “Banyamulenge” authors of unsubstantiated claims like those found in the Rapporteur spécial's document.

³⁴ J. C. WILLAME, *op. cit.*, p. 112.

³⁵ Letter by “Banyamulenge” leaders to the *Conférence Nationale Souveraine*, Kinshasa, July 6, 1991, p. 11.

³⁶ P. KANYAMACHUMBI, *Les populations du Kivu et la loi sur la nationalité*. Kinshasa, Editions Select.

³⁷ *Rapport de la Commission d'information du HCR-PT sur la situation des réfugiés et des populations déplacées dans les régions du Nord et du Sud-Kivu*, 1994, p. 113.

6. Envoi

- accepting the Rapporteur spécial's claim that there are 400,000 "Banyamulenge" in Sud-Kivu, we showed that they would have represented 35.57% of the population of the three zones in 1958. That would make them the majority group in Fizi, Uvira and Mwenga in 1958. Today, matters would stand the same.
- there is no reflection of that demographic weight in the political arena in Kivu, as it relates to the May 1960 elections, specifically. For a group of people said to have wielded political power and/or influence during the colonial period, this appears to be a mystery. We argued that their absence from the political scene at the local level, as well as at the provincial or national level is due to a self-imposed isolation: they were not involved politically.
- the report E/CN.4/1996/66 of January 29, 1996 has been shaped by inaccuracies and falsehoods fed to the Office of the High Commission on Human Rights by "Banyamulenge" leaders. We have seen clear indications of partiality on the part of the Rapporteur spécial, and ways in which he failed to do his homework; which (a) erodes his credibility; and (b) questions his moral integrity and/or competence.
- the Tutsi migration from Rwanda is a recent phenomenon that started very likely towards the end of the 19th century. Furthermore, there have been different waves of migration. What is clear is that their numbers put at 400,000 are hyperinflated. This fact, we suggested, is a moral fraud in which the Rapporteur spécial is taking part. We argued that the *raison d'être* of such a number is a fraudulent scheme by "Banyamulenge" leaders to incorporate all Rwandan Tutsis living in the area, or elsewhere, into a well-defined group, with a new identity. Whatever, this scheme endangers peace in the area, as it is very likely to develop into land conflict on a par with what is happening in Nord-Kivu right now. That could start with the carving out of an area that would accommodate fictitious 400,000 persons and their cattle. In light of the recent history of Yugoslavia, it is very difficult for one to avoid drawing parallels here.
- the Office of the High Commission on Human Rights should work towards the resolution, rather than contribute to the creation, of conflicts by either striving to give credence, in the international community arena, to inaccuracies or falsehoods like those that pepper the Rapporteur spécial's report on "Banyamulenge" in Zaire; or by emboldening "Banyamulenge" leaders in their surreal designs, and cupid or selfish interests. With respect to the outcome of the nationality issue, Mgr J. Gapangwa is on the record for saying that, "Des blessures très profondes pourront déboucher à des surprises inqualifiables pour le moment."³⁸

On the whole, what we have here seems to be, as much a tale of a group suffering multiple injustices being fed to various NGOs in the West or to the international community at large, as a very astute and elaborate scheme of deceit painted in the most seductive colors. It is essential that people of good will work toward the averting of a humanitarian disaster in the Great Lakes region. The first step on the road towards this, we humbly think, lies, for the international organisations that fight for justice, in *educating themselves about the area and its history*, instead of succumbing to expediency and oversimplification of complex issues.

³⁸

Rapport de la Commission d'information du HCR-PT sur la situation des réfugiés et des populations déplacées dans les régions du Nord et du Sud-Kivu, 1994, p. 112.

Montréal, Québec, May 10, 1996

Kasangati K. W. KINYALOLO, Ph.D.

EXHIBIT 1

	“Banyamulenge”	J. M. F. Depelchin	Father G. Kajiga	J. Hiernaux
Events	<i>Lettre à la Conférence Souveraine Nationale</i> , 6 juillet 1991 -- Kinshasa, Zaïre.	<i>From pre-capitalism to imperialism: a history of socio-economic formations in Eastern Zaire (Uvira Zone, c. 1800-1965)</i> . PhD dissertation, Stanford, CA, 1974.	<i>Cette immigration séculaire des ruandais au Congo.</i>	<i>Note sur les Tutsi de l'Itombwe (République du Congo).</i>
Origins	La tradition orale “Banyamulenge” situe le lieu de provenance de ceux-ci dans la région actuellement partagée entre le Rwanda, le Burundi et la Tanzanie.	The Tutsi did come from the ranks of the ruling class (p. 72). They were among the wealthiest members of Rwabugiri’s entourage (p. 68).	Rwanda	Ils venaient de la région de Shangugu (p. 361).
Departure	Elle renseigne que c’est sous le règne du Roi Yuhi IV Gahindiro (1746-1802) du Rwanda qu’ils traversèrent la Ruzizi (p. 2). (see para. 33).	Almost all Tutsi informants attributed their migration from their homeland to Rwabugiri’s abusive uses of power (p. 68). ...the largest group left during Kigeri IV Rwabugiri’s reign [(ca. 1860 - 1895)] (p. 65). [...] True, the greatest single movement took place under the reign of Rwabugiri (p. 66). [...]	C’est par suite à l’attentat de Rucuncu, en 1896, [...] fuyant la tyrannie et les représailles du Roi Musinga [ca. 1896-1931] (pp. 10-11).	
Settlement	Ils s’installèrent d’abord à Kakamba, dans la plaine de la Ruzizi (p. 2). [...] ils se déplacèrent vers les montagnes surplombant la plaine de la	When the Rwanda eventually crossed the Ruzizi river they first settled at Kakamba. ... Slowly they started towards the	Ils atteignirent le Congo par Kaziba (p. 11). Ils s’établirent sur les hauts plateaux d’ Uvira où ils mènent	Itombwe Les parents des cent sujets mesurés sont pour la plupart nés dans un cercle

	<p>Ruzizi dans les régions de Lemera et Mulenge (p. 2). (see para. 33).</p> <p>De Mulenge, ils se dirigèrent vers l'ouest... Ils érigèrent des villages à des endroits divers [...] dont Galye, Kishembwe, Kataka, Kalonge, etc. en 1881 (p. 4). (see para. 33).</p>	<p>slopes until they reached a place called Mulenge at about 1,800 meters (p. 70).</p> <p>Around 1924, they requested for permission to move toward the Itombwe region. Some families did go as far as Itombwe (pp. 71-72).</p>	<p>une vie de pâtres (p. 11).</p> <p>Ces dernières années, quelques familles de ce groupes ont poussé une pointe jusque dans la croupe des montagnes de Fizi (p. 11).</p>	<p>géographique restreint sur le versant des montagnes qui surplombent la plaine de la Ruzizi... (p. 365-66).</p>
Numbers	400,000 [1994]		6,000 [ca. 1954]	300 in Itombwe (ca. 1955).
Rébellion	<p>En arrivant dans les hauts versants du lac Tanganyika et les plateaux de l'Itombwe, la rébellion qui prêchait le Communisme trouva un terrain de prédilection dans ces milieux. Les Bembe, Fulero et Vira furent séduits car d'après eux, le Communisme signifiait le partage des biens. Vivant de l'agriculture de subsistance* et n'ayant rien à partager cela ne visait en réalité que le bétail des Banyamulenge, chose à laquelle ils s'opposèrent tout naturellement (p. 9). (see para. 33)</p> <p>* On the production of rice, corn, bananas, cassava, cotton and sugar in Uvira, and Fizi, see B. Verhaegen, <i>Rébellions au Congo</i>, Tome I, Bruxelles, CRISP, 1966, pp. 273-275.</p>			