

# Everyday Justice for the Internally Displaced in a Context of Fragility: The Case of the Democratic Republic of Congo (DRC)

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*MS received January 2017; revised MS received July 2017*

Bukavu is a rapidly growing city in the conflict-affected east of the Democratic Republic of Congo. It is home to large numbers of internally displaced persons (IDPs). This article looks at these IDPs and explores the strategies they use to claim their rights and settle their everyday disputes. The article is based on a socio-legal research project for which data collection took place between May 2015 and June 2016. The research found that hardly any assistance is provided to IDPs in Bukavu and both state and non-state actors have limited knowledge on their situation. Our data show that the mobilization of personal connections is key for IDPs to find justice, either directly or indirectly. Helping IDPs to strengthen their social networks in town could be a strategy for policy makers and practitioners to improve IDPs' access to justice and to better respect their rights.

**Keywords:** Access to justice, violation of rights, displacement and conflict, social networks, DR Congo

## Introduction

In search of security, people living in conflict-affected regions seek shelter in more secure areas, either within their country or outside. The large-scale attention on refugees over the last years, both in terms of media coverage and in terms of international assistance, might give the impression that refugees greatly outnumber the group of internally displaced persons (IDPs) that do not cross any national borders to seek a safer place to stay. But, in fact, the

global number of people who seek refuge within their own country is generally much higher than the number of people that cross national borders (Kalin 2014). A United Nations High Commissioner for Refugees' study found that 65.3 million people were displaced worldwide, including 21.3 million refugees and 40.8 million internally displaced people (UNHCR 2016). In 2010, about one-third of the world's IDPs lived in sub-Saharan Africa (Crisp 2010).

In the region of central and east Africa, refugees and IDPs are widespread, yet, as noted by Kamanga, there is a 'general apathy and even resentment that displaced persons attract from host communities and policy makers' (Kamanga 2012: 5). The same lack of interest seems to hold for academics. This has been explained by the importance attached to producing policy-relevant research for an international humanitarian community that is mostly concerned with refugees living in camp-like settings (Bakewell 2008).

Once displaced people settle somewhere, their basic needs have to be addressed. This includes not only basic humanitarian needs, but also the provision of justice and security. This article looks at (i) justice concerns of displaced people and the extent to which their rights are violated and (ii) the strategies they use to solve their disputes and claim their rights. We zoom in on an urban setting in which displaced people live in close interaction with members of the host communities. In doing so, the article contributes to a better understanding of access to justice for vulnerable groups in fragile settings. In such settings, justice providers do not always operate according to the rule of law and trust in authorities is often limited.

Already, for several decades, large groups of people have been on the move from violence in the Democratic Republic of Congo (DRC). Latest figures show that an estimated 3.8 million people are internally displaced in the DRC, with high numbers of newly displaced in the Kasai region and longer-term displaced especially in the eastern provinces (UNOCHA 2017). This number only covers people who have been displaced since 2009, whereas considerable numbers of people have been living in displacement for more prolonged periods of time. Furthermore, UNOCHA estimates that around 500 000 of displaced live in camp-like settings, whereas 3.3 million seek refuge in host communities (UNOCHA 2017). Conflict-induced displacement in DRC is prompted by many different local conflicts that all have their own dynamics. This results in a continuous process of displacement that is fragmented in time and space, with some people becoming newly displaced and others returning to their area of origin at the same time. In the province in which this research was carried out, there are no IDP camps.

This article looks at IDPs who live in the city of Bukavu, in the conflict-affected east of the DRC. Bukavu is the capital of South Kivu province that has been growing exponentially since the beginning of Congo's civil war, figures from the mayor's office show that Bukavu counted over 1 million inhabitants in 2016. People who have grown up in the city often bear testimony of the forested hills that surrounded the city a decade ago, but now suffer heavy erosion due to rising inhabitation. Bukavu's streets are full of

four-wheeled vehicles of development and humanitarian aid organizations that run their projects and programmes from their main offices in town. Yet, their areas of intervention are primarily in the surrounding rural districts. Non-governmental organization (NGO) workers and state officials give two main reasons for prioritization of the rural areas in the province. First, there is the argument that humanitarian and developmental needs are bigger in the rural areas. Second, both state and NGO officials argue that Bukavu is becoming too big, and that the capacity of the public services that are provided in the most densely populated neighbourhoods is depleted. By providing more services or support to Bukavu, the city will become even more attractive and accelerate the 'rural exodus' even more.

The neglect of aid efforts is reflected in low levels of satisfaction among Bukavu's population concerning the interventions of national and international NGOs and the UN in improving local conditions. Indicative in this regard are the findings of a large survey ( $n = 3,905$ ) carried out in the eastern provinces of the DRC, including 294 respondents in Bukavu (Vinck *et al.* 2016). Asked about the contribution of national and international NGOs to improving local conditions, 96 per cent of the Bukavu respondents reported little to no contribution from either national or international NGOs or the UN, whereas 20–25 per cent of the respondents from different rural areas in the province reported some or a lot of contribution from international NGOs and the UN. In one of the rural areas in neighbouring North Kivu, even up to 53 per cent of respondents were positive about the contribution from the international community (Vinck *et al.* 2016).

In the following section, we first take stock of what is already known from other regions about the justice concerns of IDPs and refugees and the strategies they follow to claim their rights. We position ourselves in the debate about refugees and IDPs and the extent to which these groups are different from each other and from regular residents. The third section of the article describes the research methods, location and limitations of the research. The fourth section presents and analyses empirical findings of the research by looking at case studies that show how rights of IDPs were violated, how IDPs tried to address these violations and how disputes got settled. The first case entails a property dispute and the second case is about a labour dispute and abuse of confidence. The cases reflect categories of disputes that we found to be prevalent among IDPs. The final section is constituted by the conclusion.

### **Perspectives to Look at IDPs, Refugees and Justice**

Research on urban refugees and IDPs often has a strong focus on livelihoods. Yet, by looking at the transformative impact of displaced people on the communities in which they live, and by considering the policy context, some of these sources nevertheless touch upon justice concerns and hence provided inspiration for our research (cf. Jacobsen (2006) and the papers she brought together in the 2006 special issue of the *Journal of Refugee*

*Studies*). They also underline the importance of looking at relations between displaced people and hosts—a topic that is much more pressing in urban areas than in rural areas or in camps, as interactions are naturally more frequent and intense in urban settings.

On the basis of an elaborate literature review on displacement in relation to justice and rights, it was concluded that limited attention has been paid to the justice experiences of IDPs within host communities, particularly in urban areas (cf. Jacobs *et al.*, 2017a). It is nevertheless possible to distinguish some main strands, which we characterize as: the governance approach, the human rights approach, the transitional justice approach and the displaced-as-active-agents approach. Most of the research on which these strands are based is carried out within the confines of camps. In our article, we take an empirical socio-legal approach in which we place the displaced central as actors, as this allows us to look at their everyday justice concerns and the strategies they use to overcome these concerns.

### *The Governance Strand*

First, there are the researchers who analyse displaced people and their concerns mostly as a governance problem—large groups of people, usually in camps, that need to be managed with support of the humanitarian community. NGOs such as International Alert, Human Rights Watch or the Norwegian Refugee Council are examples of organizations that publish reports along these lines. From a policy perspective, Kihato and Landau (2017) analyse ways in which humanitarian organizations can work together with local authorities to provide protection to urban displaced. There is a strong policy relevance and hence interest in this type of research, resulting in ‘a disproportionate focus of research on refugees in formal camps across Africa’ (Bakewell 2008: 433). In a way, such an approach resonates with work referring to Agamben (in approving or disapproving manners). Authors in this tradition view refugees as the ultimate bio-political subjects that can be governed in a permanent state of exception, reducing refugees to ‘bare life’. These authors also explore the question on how to govern displaced, with or without the active engagement of the displaced themselves (see e.g. Agamben 1998; Elford 2008; Owens 2010; Bulley 2014). Most of these publications do not go into detail to discuss the needs of displaced beyond immediate material needs and hence do not look at justice concerns.

### *The Human Rights Strand*

Second, there is the strand of researchers who take a human rights-based approach. Analyses of violations of rights are central in this strand. Such publications often pay attention to both the legal and institutional frameworks that are in place to ensure that justice and security are provided for refugees and IDPs, but they also look—often from a more ethnographic perspective—at what happens on the ground and the extent to which

protection mandates of different state and non-state actors are respected. Many of these sources show the shortcomings of the rule of law and the limitations of the international community to address these shortcomings (see e.g. Verdirame and Harrell-Bond 2005; Hollenbach 2008; Feller 2009). This strand has a strong policy focus as well. The contributions gathered by Hollenbach consider displacement in itself a challenge in terms of human rights; during displacement, fundamental human rights such as the right to food or shelter often get violated. They advocate for more attention to these rights violations that refugees and IDPs are facing.

#### *The Transitional Justice Strand*

A third strand of literature makes a more direct connection between the displaced and justice, but from a particular justice perspective only: this literature considers refugees and IDPs as actors within transitional justice processes. It is assumed that the displaced have been affected themselves by the crimes that need to be addressed. By engaging them, communities can be rebuilt and more stable, and sustainable solutions for armed conflict can be found. Such approaches are laudable efforts to avoid exclusion of displaced citizens in peace-building processes. In addition, some of these sources also look at the injustices that are rooted in the actual displacement. At the same time, they tend to reduce people somewhat to objects within the larger conflict, framing their concerns in relation to conflict and displacement but ignoring or reducing the significance of their everyday disputes (see e.g. Harris-Rimmer 2009; Bradley 2012; Duthie 2012).

#### *The Displaced-as-Active Agents Strand*

Finally, the fourth strand of literature on displacement and justice looks more closely at what displaced actually *do* to address their everyday justice concerns. Here, displaced are seen as active agents that take steps to organize their modes of living, including the administration of justice. This is not completely contradicting the work by some of the authors mentioned earlier. The difference lies mostly on the perspective and the more empirically grounded focus in which the displaced person is at the centre of attention, rather than the governing body. These studies often stress the initiatives of displaced to reproduce their governance structures from their home communities within the camps (Costa 2006; Griek 2007; Veroff 2010; Holzer 2013; McConnachie 2014). A good example of such an approach is Holzer's ethnographic study that explores how people in a refugee camp in Ghana deal with disputes and how they engage with the law (Holzer 2013), Griek explores similar questions in relation to refugee camps in Kenya (Dadaab and Kakuma) (Griek 2007). A very detailed and rich account from another corner of the world is provided by McConnachie in her study on governance and justice in camps along the Thai-Burmese border that are inhabited by Karen refugees (McConnachie 2014). She shows the value of social capital that exists within the gradually growing camps and how social cohesion contributes to the way in

which the camp is governed and justice is administered. What these more ethnographic-oriented studies have in common is that they pay attention to the agency of the refugees. What is missing in these accounts is the position of displaced who are self-settling within host communities where interaction with non-displaced others is more frequent. This lacuna is partly filled by the papers brought together by Jacobsen in the 2006 special issue of the *Journal of Refugee Studies* on refugees and asylum seekers in urban areas. Although the contributions look at the displaced primarily from a livelihoods perspective, they nevertheless touch upon justice concerns (cf. Jacobsen 2006).

### *Everyday Justice: Positioning the Article*

This article takes a similar empirical socio-legal and actor-oriented approach as the studies mentioned in the fourth strand. This means that the agency of the displaced as central actors is core and that we foremost analyse people's justice concerns and the way in which they deal with these concerns themselves, with or without support of formal and informal justice providers. We assume that people not only depend on what is offered to them, but also take matters into their own hands, as far as the confines of their environment allow them to do so.

There are some main aspects in which this article gives a unique contribution to the literature. First, our focus is on IDPs and not on refugees. Second, we focus on IDPs who reside in host communities rather than in camps. Such IDPs have more intense and frequent interactions with the non-displaced. Third, we explore the justice concerns—rather than material needs—of IDPs. Finally, our research did not focus on the bigger conflicts that take place in the DRC, but rather at the small-scale everyday conflicts that take place when people are living together, especially under stressful circumstances in densely populated areas with limited resources available. The findings contribute to a better understanding of justice concerns of vulnerable people in fragile settings.

### **Methods, Limitations and Research Location**

This article is based on a research project for which data were collected between May 2015 and June 2016. Focus was on IDPs living in the peripheral neighbourhoods of Bukavu. Data were collected by a team of four Congolese researchers and one international researcher (Carolien Jacobs). We divided our qualitative research into three stages. After each stage, we evaluated the data and discussed the focus of the next stage. After the first stage, we organized a feedback workshop to gather further ideas from a group of about 35 interested and knowledgeable people in Bukavu (academics, practitioners, policy makers, local authorities). The third stage was mainly devoted to the follow-up of cases identified in the first two stages of the research, as it allowed us to trace the course of events over time. Collection of data was done through a total of 188 semi-structured and open interviews, with 73



IDPs (41 female, 32 male), 36 residents (12 female, 24 male), 34 local administrative chiefs and with a wide range of state and non-state officials involved in justice. To gain a broad understanding of the justice concerns of IDPs in Bukavu, we selected three different research sites: two *communes* (Bagira and Kadutu) and one *quartier* (Panzi). Within these, we targeted especially the more peripheral and—often—densely populated streets that were known to host many IDPs. By doing so, we ensured that we would target IDPs from different sites of origin; most IDPs settle on the side of town that is closest to their area of origin. Analysis was done with the use of the qualitative data analysis software ATLAS TI.

The research was complemented with a quantitative survey ( $n = 279$ ) that was carried out in April–May 2016. For this, we initially selected a number of streets within the research areas that were known to host IDPs. Within these streets, respondents were selected randomly. The sample included 155 IDPs and 124 residents. Findings were validated at the end of the project through a feedback workshop with a number of respondents.

Methodologically, we were challenged by the question of how to define IDPs. Generally, we followed UNOCHA in defining IDPs as people who are displaced because of insecurity. Yet insecurity is often one of several reasons for displacement and people transition from being an IDP to being a regular resident at different paces. We selected our respondents in order to cover a wide range of IDPs but also included regular residents for comparability. It helped to make us aware that displacement does not always serve as an explanandum for the justice concerns people have and their strategies to overcome these concerns (Bakewell 2008).

### **IDPs in Bukavu: Who Are They?**

Before looking at the justice concerns, we first present some characteristics of the IDPs that we encountered in our research. Pockets of insecurity exist throughout North and South Kivu and this is reflected in the places of origin of our respondents: most IDPs originate from the rural districts surrounding Bukavu. People from more remote areas usually settle in smaller urban centres in the vicinity of their place of origin.

Insecurity in the east of the DRC has multiple sources and hence displaced people also arrive in waves in Bukavu. IDPs who bring some financial means with them often install themselves rapidly in town and they can be seen as residents within a couple of months. Others, lacking means to create sustainable living conditions, still define themselves as IDPs after more than 10 years in displacement. The boundaries between being an IDP and being a resident are usually fluid and cannot be clearly defined.

Whether or not people define themselves as IDPs depends to a large extent on their socio-economic position. As soon as they have some financial stability, they feel more settled. It also enables some of them to purchase their own plot to construct a house in Bukavu, or to buy an already existing

house. Many of our respondents saw constructing or buying a house as an important marker for the transition from IDP to resident, even though many of the long-term residents are tenants themselves. Apart from people's housing status, perceptions of others play a role on whether people consider themselves an IDP. Many of the poorer IDPs complain about being called names, such as 'people from the mountains', who are seen as backwards. Another often used expression is that of '*nakutesa*' (tractor), in reference to the typical day jobs many (especially female) IDPs have: carrying luggage in the port or carrying stones from the mining pits.

Most of the interviewed IDPs indicated that, despite all their struggles, they felt more safe and secure in their new residencies than in their home communities. Significantly, our survey findings showed that IDPs in Bukavu feel more secure than residents, with almost 62 per cent of IDPs indicating feeling secure at present, against 40 per cent of residents indicating feeling secure. This can be explained in terms of relative security: in their home communities, IDPs often faced the insecurity of armed violence and conflict, whereas, in the host community of Bukavu, insecurity is caused by robbery and bandits. One of the female respondents explained this in the following way:

Here in Bukavu, it is only hunger and illnesses, but we are more secure than in ... Here is the state that stabilises and there is power in the street.

Whereas the findings about security provide an indication of what IDPs have experienced in the past, the feelings of insecurity that longer-term residents express give an indication of the relations between the two groups of people. When asked about reasons for feeling insecure, a number of residents refer to the presence of newcomers and unknown people in their streets. Not knowing any family members of a person is seen as problematic; people do not know who can be taken as responsible and who can be addressed in case a person is causing problems. Detachment of relatives can also raise suspicions about witchcraft, since people who are accused of witchcraft try to escape from accusations by settling at a place where nobody knows them.

A large number of the IDPs living in Bukavu are women, who are the head of the households. In some instances, their husbands stay behind in the villages; in other instances, their husbands have left for jobs in the mining sector. It often happens that families arrive together in town and that men leave the household once the family is settled and a deposit and the rent for the first months have been paid. Once they depart, some men return regularly and continue to provide income for the family, but others disappear for long periods of time or never return.

### **'Conflicts Abound'**

When asked about the problems taking place in their lives, many respondents immediately argue that 'conflicts abound' (*conflicts ne manquent pas*). We



found three main categories of justice concerns among IDPs. These concerns partly entail concrete disputes, partly violations of people's rights for which they need help. First, there is a wide range of disputes related to housing conditions. They result in a lack of physical security and protection. Second, there is marginalization and discrimination of IDPs by longer-term residents. It contributes to a lack of mental security that is often aggravated by people's experiences of violence in their place of origin. Third, there is the category of justice concerns related to labour and labour conditions and the extent to which people are able to claim their socio-economic rights. In many of these cases, there is a breach of trust, which, according to Congolese legislation, is a criminal offence. In the following, we present these concerns and describe the strategies people used to overcome them.

### **Finding Stable Housing for Physical Security**

Once IDPs arrive in Bukavu, their first concern is to find a safe shelter. Upon arrival, many IDPs are hosted for a short period of time by relatives. From there, they seek a house to rent, usually through informal channels. Ownership is usually not achieved, although certainly aspired to, as it makes people feel more part of the city.

Many IDPs have problems in finding a secure and sustainable shelter, mostly because they have difficulties paying the monthly rent. Many face serious payment arrears after some months. Once they become indebted, they are prone to expulsion. This can further aggravate their vulnerable situation. A telling example is that of a disabled woman and her husband who were expelled from their rented house by their landlady. Their expulsion was instigated by unpaid rent but, upon their forced removal, the landlady took possession of all their properties, making it even more difficult to regain stability in their lives. At the time of our interview, they were temporarily living for free in somebody else's house but feared having to leave again. Several other IDPs testified to being forcefully evicted from their homes while their personal belongings were taken by the landlord or thrown onto the street, usually because of unpaid rents.

With state actors and NGOs providing limited support, protection primarily has to come from landlords who understand the challenges IDPs have to deal with and who accept rent not being paid for months on end. Churches are sometimes able to provide temporary assistance and mediate in finding new accommodation. Sometimes the local administrative chiefs of the streets (*chefs d'avenues*) can be of help, too. Most of the time social networks are too limited to be of real help in this regard; more established family members who came to town prior to the newcomers are usually not able to provide accommodation for more than a couple of months.

Some families of IDPs were not necessarily related to each other, but nevertheless decided to put their meagre resources together to jointly rent a house. These constellations were usually, but not necessarily, constituted by people who

had known each other before or who shared the same ethnical background/origin. They explained that they felt more secure living together in this way, where they not only share resources, but also felt better protected against more wealthy residents who look down on them. In one such arrangement, six households shared one house. All of them originated from the same chiefdom and had the same ethnicity. One of the men in the house explained to us:

The two men who live here in the house have raised awareness among all members of the six households here to never avenge, nor complain somewhere even when things hurt your heart. This is to avoid problems and the risk of missing work.

His words show how IDPs try to avoid any problems or disputes in the neighbourhood and instead prefer to keep quiet. By grouping together, they feel united and stronger against the outside world. Yet, we also found—in our follow-up research—that these constellations are not very sustainable; living together with too many people in a confined space is bound to create tensions. People who are able to improve their personal circumstances will quickly abandon these shared arrangements and find their own place.

Although many IDPs struggle to make ends meet, we also came across some exceptions. The following is an example that underlines the vulnerability of tenants even when paying their rent on time. It also underlines the importance of being well connected.

Trésor is an IDP who has lived in Bukavu since 2011. Due to his commercial activities, he was relatively well-off and was able to move to a rented house with an annex for his business affairs. When moving in, he paid six months of rent in advance. After one month, however, the rented house was demolished by the government because it appeared to have been constructed illegally. The owner refused to return the advanced money. After various efforts and intimidations by officials consulted, Trésor eventually managed to get a favourable agreement, thanks to the intervention of the chief of the street. Trésor already knew the chief from earlier times when he commuted between his place of origin and Bukavu as a merchant. These connections now appeared to be instrumental. Three other victims of the forced expulsion did not enjoy similar connections and hence did not manage to recuperate any money. Because they did not anticipate a favourable outcome, they did not proceed to seek redress for injustices suffered. One of them explained:

We would not be able to make such claims because we do not have the same relations as Mister Trésor has. Despite his status as somebody who has recently come from the interior, he has managed to have relations with the chief of the street. It is through this chief that he managed to have connections with the commander of the police sub-station.

### *Finding Mental Security and Protection*

Many displaced share experiences of being called names by residents of Bukavu. This contributes to them feeling disregarded, marginalized or

discriminated. Taking a closer look at the concrete examples of such marginalization, we found that displaced tend to be the first to be accused of theft or witchcraft when problems arise in a neighbourhood. One of the displaced women we met set out how thieves had stolen a banana stem from the tree of one of her neighbours. The owner immediately accused her and, despite her repetitive denials, several neighbours started to call her a thief and kept mocking her from then on. This situation created a sense of insecurity and made her feel uncomfortable at home.

Because of their vulnerable position, IDPs are easy targets of such accusations. There is a widespread assumption in Bukavu that people 'from the interior' are familiar with witchcraft practices. Witchcraft accusations are difficult to refute and can contribute to the feeling of insecurity among IDPs. It can also lead to tensions between newcomers and longer-term residents. The latter often expressed feeling threatened by people in their streets of whom they did not know their backgrounds.

Whereas IDPs flee to Bukavu in search of security, our findings show that their rights to security and protection often become violated through expulsion from their shelter, stigmatization and discrimination. At the moment such things happen, IDPs often do not know how to stand up for their rights and overcome the injustices they face. Being able to mobilize more powerful connections is a helpful asset in dealing with one's concerns, as the case of Trésor underlined.

Not being well connected makes displaced more passive victims of their situation. They can easily be accused of unlawful acts, but often do not feel confident enough to address false accusations. As long as their concerns in this regard are not addressed, they are hindered in becoming empowered and active members in the community.

Illustratively, one woman who recently arrived in Bukavu explained that she would only go and fetch water at the public tap at very quiet times of the day to avoid interactions. Previously, she had experienced being called names by residents at the water tap, which made her feel unwelcome. She feared running into problems and told us: 'I will just keep quiet and try to avoid further interaction that can bring me in more difficulties.' This strategy of avoiding interaction hindered her integration and participation in public life. When we visited her again some months later, we found that she had gained much more confidence and had become a more empowered and better connected inhabitant of the city: she had become an active member of a local church and, thanks to the church contacts, she found a small job. In her interaction with the local chief of the street, we could note that contacts were good and that she did not shy away from reaching out anymore. This again underlined the importance of contacts.

### *Labour Disputes*

In our research, we came across a lot of injustices that are related to labour. Injustices we encountered related primarily to employment opportunities and

to labour conditions. For both categories of injustices, social networks often played a key role. Most IDPs find their petty jobs in informal manners and they show a lot of gratitude towards their benefactors who provide them with these jobs. They are very much aware that they can easily be substituted by another jobless person, whether this is an IDP or a resident. An important difference here, however, is the social capital that people can draw on. This seems to be more limited for IDPs and hence they end up carrying out jobs for which eventually they do not receive any payment or less payment than agreed upon. Ultimately, this can lead to disputes in which the displaced are likely bound to lose out. In most cases, people just give up in desperation and a lack of confidence that any step can lead to an improvement of their situation. The following case is an example of such an injustice experienced by an IDP.

In 2011, Bisimwa fled to Bukavu. Initially, he was hosted by his brother. Through this brother, he also found a job in a soap factory, led by Catholic fathers. It was agreed orally that Bisimwa would receive a salary of \$100/month—a reasonable amount. The first two months, he received his salary but then did not get paid for 22 months. He often wanted to quit his job, but his brother, who had arranged the job for him, encouraged him to continue. He did not want to harm his relations with his brother (to whom he was indebted already because of the host arrangement earlier) and therefore continued to work. When his wife and children got sick, he was unable to pay the hospital bill. At the factory, he arranged (orally) with one of the managers that he could borrow an unused generator, which he could then hire out to somebody else for \$250 so he would be able to pay the medical costs. Meanwhile, Bisimwa continued to work in the factory without receiving his salary. Four months later, he was told that he was fired and Bisimwa stopped going to work. Three weeks after that, he got arrested by the police for having stolen a battery from the factory. It would be the beginning of 12 months in prison without any due process. In June 2015, the prison authority told him he could leave the prison if he would pay \$5.

After being released, Bisimwa started a small business of repairing shoes but he hardly managed to make a living out of it. In December 2015, the manager of the factory proposed to solve the dispute of the unpaid salary through an amicable resolution. The proposal was that Bisimwa would have to return the battery and would receive 22 times the outstanding salary of \$50—half of what was agreed orally. Bisimwa accepted but, during our latest follow-up interview in April 2016, it transpired that he had not received any further payment. Meanwhile, he is longing to return to his village, but fears he will never receive the outstanding payment if he does so. It contributes to his decision to remain in Bukavu.

The case of Bisimwa is a tragic example of the dependence of IDPs on their limited social networks in a society in which connections are key. To maintain a good relationship with his brother, Bisimwa continued working at the factory, despite the bad conditions. He did not see any other opportunities or

contacts he could draw on to find another job. Although Bisimwa's situation is rather an extreme example of injustices that IDPs face in the labour market, it is indicative of the importance of social networks for the ability to fulfil one's socio-economic rights. This was the case for many other IDPs; through their connections, based on kinship or ethnicity, they were able to claim preferred positions that helped them to stand up for their rights. For most IDPs, such networks are rather limited and they cling to the limited connections which they have: Bisimwa's brother was the one who provided help in finding shelter upon arrival in town, but was also the one who provided help in finding a job. The importance of this connection is demonstrated by the severity of the injustices he endured. Facing injustices, IDPs like Bisimwa are afraid to speak out, in fear of a further erosion of their network.

### **Overcoming Justice Concerns: 'And Then, We Share a Fanta Together'**

In theory, there is a wide range of justice providers available to IDPs, ranging from the formal statutory justice to the informal mutual agreement. This is not any different from the justice providers available for regular residents: state courts, chiefs, police, military, churches, traditional leaders. In the following, we discuss the most important strategies we came across: consulting the local chief, consulting the church or not doing anything.

What most mediations—both formal and informal—have in common is a strong focus on reconciliation that is made tangible through a sharing of a drink at the end of the mediation. When people told us their story of how their dispute was solved, or when justice providers explained us how they would intervene, many of them would end their explanation by saying 'and then we all shared a Fanta/Beer/Coke/soft drink'. It is taken as a sign of successful termination of a problem and it contributes to the feeling that the dispute was solved amicably and the relationships properly restored. Such arrangements are made not only through the informal mechanisms of relatives, churches or community elders, but are also applied by the local administrative authorities. It has even been reported that an amicable resolution is proposed by magistrates in criminal cases of rape (Bady Kabuya 2008).

In practice, we found hardly any evidence of people taking their justice concerns to the formal state justice providers. However, this does not mean that state authorities do not play a role in justice provision. On the contrary. The local administrative chiefs—administrative statutory authorities—at the level of the street or neighbourhood play an indispensable role as justice providers. They offer a broad range of solutions. At first, most chiefs try to reconcile the two parties by hearing both parties involved independently, and then talking to them together. Their authority contributes to people's willingness to accept a solution. For more serious cases, fines can be imposed or the path towards formal justice can be taken. This means that the case is transferred from the administrative authority of the chief to the statutory structures of justice.

Our findings show a lot of variety between the different chiefs and their functioning. Some of the chiefs of the streets actively patrol to identify newcomers, to talk to them about their concerns and to assist them in finding proper housing or working arrangements. One chief told us:

[IDPs] don't come to identify themselves, they hide and don't want to identify themselves. They are ashamed .... They fear to be disdained. ... they want to integrate but their position and means prevent them from doing so. It is up to the chiefs to control the street and discover IDPs.

Chiefs working in this way are well aware of the issues at stake and hence are also easily consulted by people in trouble. Others fulfil their tasks with less care and feel it is a task of newcomers themselves to come and register themselves with the administrative authorities. Being less well known, these chiefs are also less easily consulted by their people and their role in the administration of justice is less prominent.

Church leaders constitute another category of leaders that are frequently consulted by people in a dispute. Consolation can come from prayer meetings that help people to face their problems and to give them confidence that something can be done to address their situation. Some people feel the healing prayers improve their mental conditions. Apart from providing spiritual and moral guidance and support, church leaders also take a more active role in dispute mediation.

For newcomers to Bukavu, churches are relatively easy places to connect to. Our survey shows that trust in church leaders is high in comparison to most other authorities and that more than 27 per cent of the displaced respondents ( $n = 155$ ) indicated a preference for consulting church leaders in case of problems. This is more or less comparable to the percentage of displaced who indicated a preference for the chiefs of the streets. Other authorities are much less preferred. The threshold to consult a church leader is low, also because there are no formal costs involved. The consultation of church leaders is therefore an important strategy for IDPs to address their concerns.

A last strategy to point out is that of resignation: people who do not have any trust that justice will be done and who do not take any steps to address their concerns. Some remain inactive because they feel their position is too weak, like Bisimwa initially did. It is also in line with the group of IDPs sharing the same house, or with the woman who was accused of theft. For some, this resignation is based on the feeling that nothing can be done anyway. In other cases, people have made efforts to get access to justice but find insurmountable barriers, either because they lack proper connections or because they do not have enough financial means to get a positive outcome. Finally, a complete lack of trust in any of the authorities available can lead to self-help or popular justice. It is not within the scope of this article to discuss this in detail.



### **Concluding Remarks: The Power of Networks in Addressing and Overcoming Justice Concerns**

In this article, we have analysed the main categories of justice concerns that IDPs are facing and strategies they use to address these concerns. We have done so by placing the IDPs central as actors in our socio-legal analysis, as this allowed us to look at real concerns and consider IDPs not only as victims of the armed conflicts, but also as actors who struggle with everyday justice. Whereas IDPs come to Bukavu in search of security, they often face insecure tenure conditions, marginalization and deprivation. Their concerns are not much different from some of the concerns described in relation to urban refugees living in Nairobi, Kenya (Burton Wagacha and Guiney 2008) and it is quite likely that they apply to many other urban refugees and IDPs across Africa as well. Social networks are restricted and not very powerful, which makes IDPs vulnerable to forceful expulsion from their shelters and to labour exploitation. Many of them face injustice and options for redress are limited.

It is in the nature of some of these injustices that they occur more to IDPs than to residents and might therefore deserve particular attention from policy makers and justice actors. This is especially the case for injustices that are related to the marginalization of people based on their origin. They contribute to people's feelings of insecurity. Our findings underline the importance of looking at injustices *during* displacement, as argued by other authors as well (Duthie 2012). Yet, these injustices are not necessarily connected to the larger conflicts that take place and hence do not need to be addressed in terms of transitional justice, as suggested by the contributions in the volume by Duthie (Duthie 2012; see also Harris-Rimmer 2009; Bradley 2012).

In theory, there is a wide range of justice providers available to IDPs, as there is for longer-term residents. Normally, people use others within their network to resolve their issues; by consulting more influential family members; or by going to trusted authorities, such as local chiefs, religious leaders or state officials (Meyer 2014). Our research shows that, in a context of displacement, trusted connections might not be available and networks might be out of reach. In practice, IDPs' choices are therefore more limited. Trust in authorities is generally low, and numerous people reported about their disappointing experiences with interventions by authorities. As a consequence, there is a risk that people turn their back on all of them and resort either to modes of self-help justice or to complete resignation. The latter is a concerning strategy that is chosen especially by the powerless that do not avail of networks of support. For some, it is only a temporary strategy; once they have created more contacts, they are often convinced by others to take action to find justice.

Looking at the most successful strategies to find justice that are accessible for IDPs, it is clear that the strength of their informal networks plays an

important role; without his brother, Bisimwa would not have found a job in the first place; without connections to the chief of the street, Trésor would not have been able to claim compensation. People's connections thus help in obtaining access to justice providers or to stand up for one's rights. Connections can also provide orientations to people to choose the right strategy to address their justice concerns. They help IDPs to gain confidence to subsequently take concrete steps and to overcome their concerns. In assessing the justice concerns of IDPs and the challenges they face, it might be worthwhile to carefully look at their connections and their own agency (in contrast to resignation) to take steps in mobilizing these connections. It does not suffice to only look at the justice providers that are available in theory to assess access to justice in practice. Our research shows that vulnerable groups such as IDPs might not be able to effectively access many of the justice providers available in a fragile setting where justice is not always carried out according to basic principles of justice.

Going back to the governance and human rights-based approaches towards justice and displacement, it can be argued that it is worthwhile for policy makers and practitioners to take networks into consideration in setting up policies and interventions and to invest in strengthening IDPs' networks. Our cases show that access to justice for IDPs depends heavily on the extent to which they are able to mobilize meaningful social networks to address their justice concerns in direct or indirect manners. There is not so much a need to add more justice providers, but rather a need to support people in obtaining access to justice. Although our findings show that many—but certainly not all—of the IDPs eventually manage to find their way to justice providers, we believe that this process can be accelerated when people are able to mobilize the right connections when confronted with injustice. This will contribute to creating more empowered citizens, and will reduce the governance problem. Taking an actor-oriented approach means looking at concrete needs and challenges of displaced in terms of justice. This helps not only to tailor policy, but also to better address the human rights violations that take place.

### **Acknowledgements**

An earlier, shorter version of this article has been published in French in the *Cahier d'Études* of CERPRU/ISDR, Bukavu, DRC (Jacobs *et al.*, 2017b). Research for this article was supported by a grant from the Netherlands Organisation for Scientific Research/WOTRO Science for Global Development as part of the Security & Rule of Law programme. The research was carried out by a Consortium led by Ghent University. We would like to thank Innocent Assumani, Stanislas Lubala Kubiha and Joachim Ruhamy for their enthusiasm and engagement in collecting data. We would like to thank our colleagues at The Van Vollenhoven Institute, Leiden University for helpful feedback on earlier drafts of this article.

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