

The Forgotten Refugees: The Quandary of the Democratic Republic of Congo's Internally Displaced Peoples

“No one leaves home unless home chases you, fire under feet, hot blood in your belly. It's not something you ever thought of doing until the blade burnt threats into your neck and even then, you carried the anthem under your breath.” – Warsan Shire

Internal displacement is a global issue that plagues every country yet is often unknown to the average person because without the stamp of "refugee," national outcry and legal recourse are minuscule. This is a tale of a country drowning in its internal displacement crisis while also trying to aid other countries navigating the same predicament. The Democratic Republic of the Congo (DRC) is the second-largest African country. It also has the largest internally displaced population. While the cause of displacement in DRC varies, its turbulent colonization history, governmental instability, and the lack of international pressure regarding relief for internally displaced people (IDPs) have exacerbated the problem. DRC is a country with immense opportunity to be a global powerhouse, but it remains plagued by its inability to develop a unified community to foster a robust economy.

I. Background on DRC

DRC's tumultuous history of being poorly managed, culturally conflicted, exploited, and politically corrupted attributes to the rise in displacement. DRC is nestled between nine other countries – Central African Republic, Angola, Uganda, Rwanda, South Sudan, Burundi, Tanzania, Republic of the Congo, and Zambia.¹ Besides its 25-mile coastline along the Atlantic Ocean, the country is otherwise landlocked. DRC is one of the most resource-rich countries on the planet, with an abundance of gold, tantalum, tungsten, and tin—all minerals used in

¹ Maps of Democratic Republic Of The Congo, <https://www.worldatlas.com/maps/democratic-republic-of-the-congo> (last visited Apr. 3, 2021).

electronics.² Since colonial times, mining has been the foundation of DRC's economy.³ In the past, "mining accounted for 25% of Congo's GDP [Gross Domestic Product] and about three-quarters of total export revenue."⁴ DRC was once the world's largest global producer of cobalt and one of the largest industrial diamonds and copper producers.⁵

The poor management of DRC resources has hindered its ability to become a developed country. It currently has one of the lowest electrification rates globally, with just 9% of its population having access to electricity.⁶ However, it has the "potential to install up to 100,000 MW [Megawatts] of hydropower capacity."⁷ However, it currently has installed 2,542 MW of hydroelectricity.⁸ Also, DRC has one of the world's lowest human development indexes (HDI) at 0.457⁹. As of 2017, DRC has a life expectancy of 60 years old and 9.8 years of expected years of school.¹⁰ Due to its low HDI, nearly 31.1% of the country's loss of life is due to inequality in resource distribution.¹¹

Furthermore, DRC's troubled travel infrastructure is a factor that has attributed to it being considered one of "the most difficult places in the world to do business."¹² It has the most

² Lezhnev, Sasha and Alex Hellmuth, *Taking Conflict Out of Consumer Gadgets: Company Rankings on Conflict Minerals* ENOUGH PROJECT (2012).

³ Usanov, Artur, et al. *Coltan, Congo & Conflict: POLINARES CASE STUDY*. HAGUE CENTRE FOR STRATEGIC STUDIES, 29–41 (2013), www.jstor.org/stable/resrep12571.6.

⁴ *Id.*

⁵ *Id.*

⁶ *Democratic Republic of The Congo: Power Africa Fact Sheet*, USAID, <https://www.usaid.gov/powerafrica/democratic-republic-congo> (last visited Apr. 3, 2021).

⁷ *Id.*

4,497 megawatts are enough to power 4.5 million average homes. *What is a Megawatt?* (Feb. 24, 2012), <https://www.nrc.gov/docs/ML1209/ML120960701.pdf>.

⁸ *Democratic Republic of The Congo: Power Africa Fact Sheet*, USAID <https://www.usaid.gov/powerafrica/democratic-republic-congo> (last visited Apr. 3, 2021).

⁹ The human development index is a summary measure for assessing long-term progress in three basic dimensions of human development: life expectancy, education, and standard of living. *The Next Frontier: Human Development and the Anthropocene*, UNDP (2020), <http://hdr.undp.org/sites/default/files/Country-Profiles/COD.pdf>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Democratic Republic of Congo*, PWC (2012), <https://www.pwc.com/gx/en/transportation-logistics/publications/africa-infrastructure-investment/assets/drc.pdf> (last visited Apr. 3, 2021).

difficult transport infrastructure in Africa because ground transportation is hindered by vast geography, low population density, extensive forests, and crisscrossing rivers.¹³ Although DRC has access to thousands of kilometers of navigable waterway, it has poor connections to ports.¹⁴

The DRC has an abundance of culture and resources but lacks the unity to foster a strong nation. DRC has over 200 ethnic groups, with nearly 250 languages and dialects spoken. However, the four “national” languages—Swahili, Tshiluba, Lingala, and Kongo—facilitate communication among various ethnic groups. The diversity within DRC has been a blessing and a curse, as rivalries between ethnic groups are usually the catalyst for rebellions. The country has endured three civil wars. The first was from 1996 – 1997, the second was from 1998 – 2003, and the third (which is ongoing) began in 2003.¹⁵ *The Origins of War in the DRC* states the following:

The DRC's problems go beyond civilian protection or armed groups... It is a place to observe things through their absence: There are many soldiers, but no state; over 19,000 UN peacekeepers, but no peace to keep; countless armies and militias groups, but no single, unified reason for their existence. Democracy is a human and constructed thing, and in DRC, its absence has nurtured a conflict so fully encompassing that everything seems to sustain it, whether it intends to or not.¹⁶

The complex civil and political unrest impeding the DRC’s ability to become a more powerful nation dates back to colonial times. Between the 15th and 17th centuries, DRC developed a political structure with a symbolic kingship and military force. The two most important kingdoms were Kongo in the west and Luba-Lunda in the east. The enforcement of power was achieved through appointed chiefs and local clan heads. However, in the 16th

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See generally, Stacey White, *Now What? The International Response to Internal Displacement in the Democratic Republic of the Congo*, BROOKINGS 12 (2014), <https://www.brookings.edu/wp-content/uploads/2016/07/The-International-Response-to-Internal-Displacement-in-the-DRC-December-2014.pdf>.

¹⁶ Armin Rosen, *The Origins of War in the DRC*, THE ATLANTIC (Jun. 26, 2013), <https://www.theatlantic.com/international/archive/2013/06/the-origins-of-war-in-the-drc/277131/>.

century, neighboring countries that wanted to control the Atlantic slave trade began sowing division among the chiefs—influencing some to sacrifice their people to become involved in the slave trade. This division weakened the kingdoms and left them vulnerable to raids.

The lucrative potential of DRC caught the attention of Belgian King Leopold II. He sponsored British explorer and journalist Henry Morton Stanley's exploration of the eastern regions of precolonial Congo from 1874–1877.¹⁷ In 1885, King Leopold formally acquired the rights to the Congo territory (today DRC) at the Conference of Berlin by claiming he intended to act on the African International Association's humanitarian mission of ending slavery and bringing religion as well as the benefits of modern life to the Congolese.¹⁸

However, Leopold's mistreatment of the indigenous people garnered international attention. Between 1880 and 1920, an estimated 10 million (half of the population) indigenous people were killed due to exploitation and disease.¹⁹ When King Leopold procured the Congo, he pledged to "suppress the east African slave trade; promote humanitarian policies; guarantee free trade within the colony; impose no import duties for twenty years, and encourage philanthropic and scientific enterprises."²⁰ Instead, he created a de facto state-controlled monopoly by issuing a decree that forced the Congolese only to sell their ivory and rubber to the state.²¹ As a result, the state set purchase prices and controlled the amount of income the Congolese could receive. Even more, Leopold's private army (the Force Publique) enforced a rubber quota. The consequence for missing the quota was punishable by cutting off the hands of women and children or death. The collection of severed hands became a form of currency to make up for missing the quota.

¹⁷ *History Of The Democratic Republic Of The Congo*, BRITANNICA <https://www.britannica.com/place/Democratic-Republic-of-the-Congo/History> (last visited on Apr. 3, 2021).

¹⁸ *Id.*

¹⁹ *The Belgian Congo*, LUMEN CANDELA, <https://courses.lumenlearning.com/boundless-worldhistory/chapter/the-belgian-congo/> (last visited on Apr. 3, 2021).

²⁰ *Id.*

²¹ *Id.*

For the Force Publique, the more severed hands they presented, the more likely they would be promoted.²² Joseph Conrad's infamous 1899 book, *Heart of Darkness*, brought international attention to the genocide happening in the Congo. After international humiliation, the parliament of Belgium annexed the Congo Free State (today DRC) and took over administration on November 15, 1908. Nevertheless, King Leopold continued to maintain private holdings in the Congo under his Abir Congo Company, which exploited rubber. In 1904, a British diplomat detailed the unlawful atrocities of King Leopold's leadership of Abir in his "Casement Report," which was instrumental in King Leopold enforcing reforms and relinquishing his private holdings in the Congo.

A 1956 political manifesto calling for immediate independence from European rule, written by a group of Bakongo (westernized Africans), caused a political awakening for the Congolese people.²³ Joseph Kasavubu led the country into an anticolonial protest that spread through all regions of the Congo, uniting the people in a rebellion. The anti-European riots resulted in the massacre of Congolese people. Europe, still reeling from the embarrassment of the international scandal caused by King Leopold, formally recognized independence as the ultimate goal and granted independence to Congo on June 30, 1960.²⁴

As an independent country, Congo leaders created a political regime that followed the Europeans' violent, cruel, manipulative leadership approach, which has resulted in internal displacement. The country has had many years of sham elections and coups that have disrupted its ability to operate as a democratic nation.²⁵ Tensions between the Congolese people and the

²² *Id.*

²³ *Belgian paternalism and the politics of decolonization*, BRITANNICA, <https://www.britannica.com/place/Democratic-Republic-of-the-Congo/Belgian-paternalism-and-the-politics-of-decolonization> (last visited Apr. 3, 2021).

²⁴ *Id.*

²⁵ *Id.*

government escalated when “the DRC government delayed national elections originally slated for November 2016” until December 2018 to prolong President Joseph Kabila’s presidency since he could not, constitutionally, run for a third term.²⁶ Even though the Presidential election in 2019 “was the first transfer of power to an opposition candidate without significant violence or coup since the DRC's independence,” East DRC continues to be plagued with violence “perpetrated by more than 100 armed groups active in the region.”²⁷ DRC’s “lack of civil authority” leaves the country vulnerable to militias who are terrorizing provinces through senseless killings, forced recruitment into militias, and sexual violence against women.²⁸ As of 2018, DRC had a total number of 3,081,000 IDPs due to violence and, just in the first half of 2019, 718,000 Congolese people were reportedly displaced.²⁹

II. IDP in DRC

A. Defining IDP

The DRC has the largest internally displaced population globally due to the uniquely complex issues that plague the country. The United Nations *Guiding Principles on Internal Displacement* define internally displaced persons (IDP) as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internally recognized State border.”³⁰ In 2020, DRC reported that it had 1,427,000

²⁶ *Id.*

²⁷ *Id.*

²⁸ DEMOCRATIC REPUBLIC OF THE CONGO: OPERATIONAL CONTEXT, UNHCR, <http://reporting.unhcr.org/drc> (last visited Feb. 20, 2020).

²⁹ Democratic Republic of the Congo, INTERNAL DISPLACEMENT MONITORING CENTRE, <https://www.internal-displacement.org/countries/democratic-republic-of-the-congo> (last visited Apr. 3, 2021).

³⁰ United Nations, *Guiding Principles on Internal Displacement*, 2nd ed., OCHA/IDP/2004/01, UNITED NATIONS (2004), <https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>.

newly displaced persons associated with conflict and violence, bringing their total number of IDPs to over 5 million. The people of DRC have been struggling to mitigate their issue of internal displacement since the early 1990s.³¹

While it is difficult to determine the root cause of civil unrest, the primary cause is political instability. The country has too many leaders that do not work together. Many provinces within the country follow a traditional authority system. While the majority of the Congolese legal system is based on Belgian law, which they kept after receiving independence, about 75% of DRC relies on customary law to resolve conflict. Customary law is the legal system of 56% of the rural areas in DRC. While customary chiefs are not part of the country's official justice system, in areas where a magistrate court³² is not established, chiefs can operate customary courts. The customary chiefs are integral for the survival of the area since they control the distribution of land and resources. Areas under customary law do not refer to a body of rules that have been developed over time to determine practices. Instead, it relies on a "general normative system" made up by "legitimate law-making organs (i.e., patriarchs, family councils, clan councils, and ... tribal chiefs).³³ The DRC government's inability to develop a unified, reliable political structure has "laid the ground for increased locali[z]ed violence, particularly in the eastern provinces."³⁴

³¹Democratic Republic of the Congo, INTERNAL DISPLACEMENT MONITORING CENTRE, <https://www.internal-displacement.org/countries/democratic-republic-of-the-congo> (last visited Apr. 3, 2021).

³² A lower court where civil matters and lower criminal proceedings are held. Furthermore, it is the only court in DRC that has jurisdiction over previously heard and determined disputes by customary courts. *Magistrates' Court, COURTS AND TRIBUNALS JUDICIARY*, <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/magistrates-court/> (last visited Apr. 3, 2021).

³³ Dunia P. Zonngwe, François Butedi, and Phebe Mavungu Clement, *Overview of the Legal System of the Democratic Republic of the Congo(DRC) and Research*, NYU LAW (2020), https://www.nyulawglobal.org/globalex/Democratic_Republic_Congo1.html.

³⁴Mid-Year Figures: Internal Displacement from January to June 2019, INTERNAL DISPLACEMENT MONITORING CENTRE (2019), https://www.internal-displacement.org/sites/default/files/publications/documents/2019-mid-year-figures_for%20website%20upload.pdf.

The provinces of North and South Kivu, Tanganyika, Ituri, and the Kasai region have been most vulnerable to internal displacement.³⁵ For instance, in 2017, Grand Kasai, previously a peaceful area within the Kasai-Central region, became the epicenter of conflict and destruction. The transfer of power from one customary chief to the other became volatile when the central state (the government) did not recognize their heir, a mandatory step for the chief's regime to be supported. Despite the opposition, the new chief, Jean-Pierre Pandi, assumed his role as chief. The government later visited Pandi's chiefdom in search of weapons. During the search, Pandi was killed in his home after accusing the officers of attempting to rape one of his wives and defile sacred objects. The government claimed it was an accident, but his community believed otherwise.³⁶ Consequently, Pandi's followers created a militia called Kamwina Nsapu to oppose the government.³⁷ The militia is known for recruiting children and has ravaged large and small towns throughout Kasai-Central, killing, butchering, and burning everything in its path. Though the militia initially focused on government officials, it has since started to target members of different ethnic groups. In an attempt to avoid being killed, many Congolese people fled their homes.³⁸ The conflict has caused the displacement of about 1.4 million inhabitants of Grand Kasai.³⁹ It is uncertain how many were killed, but the UN has discovered 80 mass graves throughout three Grand Kasai provinces.⁴⁰

B. Militias impact on the rise in IDP

³⁵Democratic Republic of the Congo, INTERNAL DISPLACEMENT MONITORING CENTRE, <https://www.internal-displacement.org/countries/democratic-republic-of-the-congo> (last visited Apr. 3, 2021).

³⁶William Clowes, *Briefing: The conflict in Kasai, DRC*, THE NEW HUMANITARIAN (JUL. 31, 2017), <https://www.thenewhumanitarian.org/analysis/2017/07/31/briefing-conflict-kasai-drc>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

Militias historically are used as a tool by rebels and the government to attain power and exploit resources. During the Congolese civil wars waged between 1996 and 2003, the government combated antagonists within the country that provided arms to rebel movements, ethnic militias, and economic and military entrepreneurs. The Congolese war exposed the country's vulnerability to violence, and the groups mentioned above aimed to capitalize on violence to seize control of natural resource distribution. For instance, after the Congolese war, Mobutu Sese Seko staged two coups d'état and reigned with an iron fist from 1965 to 1997.⁴¹ During his regime, he focused on the strategic distribution of resources and informal politics that primarily benefitted the ruling class. As a result, a "fend for yourself" attitude developed throughout the country, serving as a social pact between the state and society. People relied less on the government and found their source of survival. The fragmented political structure still seen today was born during the Mobutu regime. Local customary chiefs were able to secure control over local resources, which forced the state to negotiate and forge alliances to access those resources. After the fall of Mobutu, new military leaders continued Mobutu's method of distributing resources. The exploitation of natural resources requires fear and violence.

Eventually, outside countries used rebel groups to claim economic resources. As seen when Uganda and Rwanda instituted "Rassemblement Congolais pour la Démocratie" (RCD-Goma) to restore their economic interest in DRC, the use of rebel groups is typically not an effective strategy. Such groups often become fragmented and lose their organizational structure. RCD fell because once the group gained control, it did not know how to take a dominant position and reinvigorate the previous administration. As a result, RCD typically allowed local

⁴¹ *The Democratic Republic of the Congo: Independence from Belgium*, LUMEN CANDELA, <https://courses.lumenlearning.com/boundless-worldhistory/chapter/the-democratic-republic-of-the-congo/> (last visited Apr. 3, 2021).

administrators to quash opposition to the exploitation of local natural resources by any means necessary. Militias continue to be one of the primary reasons fear, displacement, and instability continue to radiate throughout DRC.⁴²

III. Adverse Impacts of Internal Displacement

Internal displacement reached an all-time global high in 2019, which has made the economic impact on affected countries more prevalent.⁴³ The estimated global economic cost of internal displacement is about \$20 billion.⁴⁴ Displacement places a strain on the government of impacted countries because IDPs are typically unemployed, malnourished, and undereducated and, therefore, rely on government assistance to survive.⁴⁵ Specifically, DRC has one of the highest economic impacts, with IDPs costing the country \$1.8 billion.⁴⁶ The total cost and loss⁴⁷ of each IDP in DRC is \$319. Though this amount is below average⁴⁸, DRC's significant amount of IDPs creates an economic crisis.⁴⁹

Internal displacement creates a financial burden in five primary ways: health, livelihood, security, housing, and education.⁵⁰ DRC spends roughly \$123 million on security, \$824 million on health services, \$111 million on education, \$517 million on housing, and \$13.2 million on livelihood for their IDPs.⁵¹ Despite these expenses, DRC has continuously failed to meet the financial requests made in voluntary Humanitarian Response Plans (HRP). HRPs are strategic

⁴² Koen Vlassenroot, *Armed Groups and Militias in Eastern DR Congo*, THE NORDIC AFRICA INSTITUTE (2008), <https://www.diva-portal.org/smash/get/diva2:610652/FULLTEXT01.pdf>.

⁴³Christelle Cazabat and Louisa Yasukawa, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE (2020), https://reliefweb.int/sites/reliefweb.int/files/resources/IDMC_CostEstimate_final.pdf.

⁴⁴ *Id.* at 8.

⁴⁵ *Id.* at 14.

⁴⁶ *Id.* at 6.

⁴⁷ The term “cost and loss” refer to the financial consequence that burdens the country (cost) and the global economic impact internal displacement has on the affected country (loss). *Id.* at 7.

⁴⁸ The average economic impact per IDP is \$390. *Id.* at 8.

⁴⁹⁴⁹ *Id.* at 7.

⁵⁰ *Id.* at 8.

⁵¹ *Id.* at 10.

plans curated by a humanitarian coordinator to respond to international humanitarian crisis once a year for at risk countries.⁵² The plan has two components which include: (1) “a country strategy consisting of a narrative, strategic objectives and indicators” and (2) “cluster plans consisting of objectives, activities and accompanying projects, which detail implementation and costing of the strategy.”⁵³ HRP are used primarily as management tools for humanitarian coordinators and are a communicative tool to provide a full scope of the country’s need to donors.⁵⁴ For instance, in 2019, only forty-three percent of the funds requested in the HRP were received, which left many DRC IDPs seeking aid from host communities.⁵⁵ However, as shown in DRC, the voluntary nature of HRPs is a critical stumbling block to ameliorating the issues that afflict IDPs.

Since DRC is already a fragile country that cannot sustain the cost of supporting IDPs, the best way to provide relief is to invest in improving the livelihood of IDPs.⁵⁶ Investment in IDPs’ includes fostering their stability by providing job security, housing, and education. The goal is to aid IDPs in adapting to new environments throughout DRC with little reliance on the government or host communities⁵⁷ so they will be able to contribute to the economy.

A. Health

⁵² *Strategic response planning: Overview*, OCHA, <https://www.humanitarianresponse.info/en/programme-cycle/space/page/strategic-response-planning> (last visited Apr. 3, 2021).

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Christelle Cazabat and Louisa Yasukawa, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 8 (2020), https://reliefweb.int/sites/reliefweb.int/files/resources/IDMC_CostEstimate_final.pdf.

⁵⁶ *Id.* at 15.

⁵⁷ Host communities refer to residential areas that take in IDPs, providing a place for IDPs to feel safety and support. Christelle Cazabat and Louisa Yasukawa, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE (2020), https://reliefweb.int/sites/reliefweb.int/files/resources/IDMC_CostEstimate_final.pdf.

The deterioration of health is the most crippling aspect of being displaced since it impacts IDPs' ability to function.⁵⁸ A person's health issues, whether it be malnutrition or Ebola, "in turn affect livelihoods, security, access to housing and infrastructure, social life and education"⁵⁹ When the displaced flee their homes, they also leave behind their employment. If they were already financially unstable, fleeing with limited income leads to reduced access to food, increased incidences of malnutrition, and increased risk of respiratory, gastrointestinal infections, and communicable diseases.

DRC is experiencing the second largest hunger crisis in the world.⁶⁰ The lack of access to natural resources and food has left children vulnerable to malnutrition and respiratory and gastrointestinal infections.⁶¹ Forty-three percent of DRC children under five years old are chronically malnourished.⁶² In Goma, DRC, forty-five percent of IDPs only have one meal a day.⁶³ As a result, forty-six percent of children under five experience stunted growth.⁶⁴ DRC is not alone in this experience. For instance, in Chad, more than twenty percent of displaced children are malnourished. Furthermore, in Ethiopia, Kenya, Sudan, and Uganda, a comparative study showed that IDPs "suffered a higher global acute malnutrition rate than refugees, at 15.1

⁵⁸ See generally, Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 23 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁵⁹ *Id.* at 6.

⁶⁰ *DR Congo shelters 1 in 10 of the world's internally displaced people*, NORWEGIAN REFUGEE COUNCIL (May 2, 2020), <https://www.nrc.no/news/2020/may/dr-congo-shelters-1-in-10-of-the-worlds-internally-displaced-people/>.

⁶¹ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 17 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁶² *Democratic Republic of the Congo: Nutrition Profile*, USAID, <https://www.usaid.gov/sites/default/files/documents/1864/DRC-Nutrition-Profile-Mar2018-508.pdf> (last visited Apr. 3, 2021).

⁶³ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 17 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁶⁴ *DR Congo shelters 1 in 10 of the world's internally displaced people*, NORWEGIAN REFUGEE COUNCIL (May 2, 2020), <https://www.nrc.no/news/2020/may/dr-congo-shelters-1-in-10-of-the-worlds-internally-displaced-people/>.

and 12 percent."⁶⁵As a solution to improve food insecurity and health, several USAID programs have been active in DRC to provide vouchers and locally and regionally procured food to IDPs, returnees⁶⁶, and host⁶⁷ communities.⁶⁸ *Food for Peace Humanitarian Assistance Activities* is a USAID, which partnered with the World Food Programme and various other non-governmental entities to assist in this endeavor,

IDPs' substandard and overcrowded living conditions in the available camps exacerbate their health conditions, which have led to the increased transmission of communicable diseases such as malaria, tuberculosis, diarrhoeal, and Hepatitis B. For instance, in Haiti, "one in ten settlements for IDPs met minimum water, hygiene, and sanitation standards.⁶⁹ The camp conditions attributed to the 2010 cholera outbreak, which Haiti accounts for 58% of all cases reported to the World Health Organization (WHO).⁷⁰

Furthermore, unstable substandard living conditions and lack of access to health care leave children particularly vulnerable to communicable diseases and mental health issues.⁷¹ In particular, malaria has significantly affected displaced DRC children under five.⁷²In 2019, DRC experienced the worst measles impact in its history, with 6,200 recorded fatalities, 85% children

⁶⁵ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 17 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁶⁶ Returnees is a term used by the international community to identify a person who was a refugee, but who has recently returned to their country of origin. *Monitoring and Protecting the Human Rights of Returnees and Internally Displaced Persons*, OCHR, <https://www.ohchr.org/Documents/Publications/training7part1112en.pdf> (last visited Apr. 3, 2021).

⁶⁷ Host communities and families are places where IDPs go to get support for housing and food. IDPs typically try to find any family member to take them in once they've lost their home. The burden of internal displacement typically falls on family members.

⁶⁸ *Food Assistance Fact Sheet – Democratic Republic of the Congo*, USAID (May 6, 2020), <https://www.usaid.gov/democratic-republic-congo/food-assistance>.

⁶⁹ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 19 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

under five.⁷³ Cholera, a preventable disease with the proper sanitary conditions, also plague DRC; 45% of people killed by the disease in DRC are children.⁷⁴ IDP children have unmet vital health needs partly due to violent rebels targeting medical facilities. Overall, proper access to immunization, nutrition, and sanitary conditions could reduce the children's mortality rate in DRC.⁷⁵

In addition to physical health issues, psychological distress caused by seeing loved ones killed, abused, and being in a constant state of despair afflict displaced children. Some common signs of psychological distress are “aggressive behavior and bedwetting.”⁷⁶ Due to the abrupt nature of displacement, children typically struggle to adapt to a new environment. Thankfully, they do not suffer from PTSD, depression, and anxiety at the same rate as older IDPs.⁷⁷ Nonetheless, if their psychological distress is left untreated, displaced children can develop chronic mental disorders such as PTSD and depression, leading to suicide.⁷⁸

Another health issue prevalent in internally displaced communities is the transmission of sexually transmitted diseases, particularly for young girls and women. Internally displaced women are particularly vulnerable to sexual violence. Unprotected sex is a common practice within Africa and other countries battling internal displacement, which has led to an increase in the prevalence of HIV/AIDS among IDPs.⁷⁹ Their lack of access to adequate medical attention typically leaves those with an STI/STD untreated.

⁷³ *Children in the Democratic Republic of the Congo from killer measles, cholera epidemic*, UNICEF (Mar. 31, 2020), <https://www.unicef.org/press-releases/children-democratic-republic-congo-risk-killer-measles-cholera-epidemics>.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 20 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.* at 18.

B. Livelihood, Housing, and Security

The inability of IDPs to independently sustain a livelihood after fleeing their homes has a ripple effect on their lives.⁸⁰ The metric to determine whether a country is providing adequate protection of IDPs livelihood, housing, and security looks at several factors which include: their ability to address IDPs loss of income from work; provide emergency and transitional shelter solutions; provide sanitation and hygiene service, manage shelters and camps, provide protection to IDPs; prevent and respond to human rights violations; and protect children and women. DRC has struggled to provide stability and safety to IDPs.

Internal displacement tears people apart from all they know, including their form of employment. Thankfully, skills passed down through generations, such as sewing, braiding, and trading goods, make up 80% of the economy in DRC.⁸¹ However, IDPs barely make enough money to survive, even with using their skills as services. For instance, in Goma, DRC IDPs who work in construction only make \$1.20 for the day, whereas the wage usually is \$1.80.⁸² Jealousy is another factor that causes IDPs to receive lower wages. When they settle in new communities, the host residents may see them as competition for employment.⁸³ For example, if an IDP is the best braider in town, they become a competition, so as a way to stifle their competition, they may require them to work for less or charge them a fee to work in the community.

In countries afflicted with internal displacement, social networks are imperative to finding a new home and work. Though some IDPs may live in government-run camps or tents, others are

⁸⁰ See generally, pg. 23, Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 23 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁸¹ Gloria Nguya, *Livelihood Strategies of Internally Displaced Persons in Urban Eastern DRC*, CERES 34 (2019), <https://dorotheahilhorst.files.wordpress.com/2019/08/2019-dissertation-manuscript-gloria-nguya.pdf>.

⁸² *Id.* at 24.

⁸³ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 24 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

likely to move in with family or, if possible, try to rent housing. Most IDPs prefer to live with family. Seventy percent of IDPs in DRC live with host families.⁸⁴ While renting is the second most common form of housing, it is not sustainable for many IDPs. Eighty percent of displaced families that rent in Iraq reported difficulties keeping up with payments.⁸⁵

A key to improving the livelihood of IDPs is repairing their social ties to find work. Most of the IDPs from DRC come from rural communities that are not familiar with technology and lack the “network of friends who could support their job applications.”⁸⁶ When they settle into new towns, especially ones with none of their family members, building relationships with community members is vital to their economic mobility. Specifically, by fostering relationships in the community, they may be gain access to “valuable informational support, such as what products are competitive to sell, where to sell items when the market is not easily accessible, where to get high-quality products or where it is safe to sell.”⁸⁷ Furthermore, finding communities with a high population of IDPs is most beneficial since there is information about programs and training opportunities for IDPs.⁸⁸ However, to receive this informational support, they must foster the IDP social network by helping in neighboring communities when asked.⁸⁹

Government assistance is also imperative to stabilize IDPs ' livelihood. Many countries plagued with IDPs rely on the UN's contributions to sustain their camps, such as the Central African Republic. However, Eastern Europe has provided financial assistance to government-funded IDP camps sustainably. In Ukraine, “most households registered as displaced . . . receive

⁸⁴ *Id.* at 34.

⁸⁵ *Id.*

⁸⁶ Gloria Nguya, *Livelihood Strategies of Internally Displaced Persons in Urban Eastern DRC*, CERES 107 (2019), <https://dorotheahilhorst.files.wordpress.com/2019/08/2019-dissertation-manuscript-gloria-nguya.pdf>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.* at 108.

government support including rent subsidies or the provision of shelter in hotels or collective centres.”⁹⁰ Even more, the presence of IDPs impacts the housing market. For instance, in Colombia, “influxes of IDPs increase the rental price for cheaper units but decrease the price for more expensive ones.”⁹¹

Women and children are particularly vulnerable to the adverse effects of being displaced, especially since they account for 80% of the internally displaced population worldwide. Notably, the UN does not classify children born into displacement as IDPs since they were not forced or obliged to flee.⁹² While they are not technically protected under the Guiding Principles, advocates still strongly believe in their protection.⁹³ The United Nations Population Fund has identified women as the face of internal displacement. Eastern DRC is the most dangerous place in the world for women to live.⁹⁴ The negative consequences of conflict-induced displacement disproportionately impact displaced women.⁹⁵

Women’s socioeconomic status leaves them particularly vulnerable to abuse and discrimination. Gender inequality impacts women’s ability to secure safe housing and find jobs that pay equal to men. Some countries adhere to discriminatory laws and practices to prevent

⁹⁰ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 35 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁹¹ *Id.* at 37

⁹² *Technical Report on Statistics of Internally Displaced Persons: Current Practice and Recommendations for Improvement*, UNITED NATIONS 20 (Mar. 2018), <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Technical-Report/national-reporting/Technical-report-on-statistics-of-IDPs-E.pdf>.

⁹³ *Id.*

⁹⁴ *Experiences of Refugee Women and Girls from the Democratic Republic of Congo (DRC): Learning from IRC’s Women’s Protection and Empowerment Programs in DRC, Tanzania, Burundi, and Uganda*, INTERNATIONAL RESCUE COMMITTEE 3 (Apr. 2014), <https://ethnomed.org/wp-content/uploads/2020/02/IRC-Backgrounder-on-Congolese-Women-and-Girls.pdf>.

⁹⁵ Oluwakemi C. Amodu, Magdalena S. Richter, and Bukola O. Salami, *A Scoping Review of the Health of Conflict-Induced Internally Displaced Women in Africa*, INT. J. ENVIRON. RES. PUB. HEALTH (Feb. 17, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7068277/>.

women from legally owning land or signing rental agreements.⁹⁶ Though more research is needed to evaluate the harm this causes displaced women, it is well documented that displaced women receive lower wages than displaced men.⁹⁷ In DRC, women make up approximately fifty-three percent of the population, yet 61.2% of Congolese women live below the poverty line.⁹⁸

In countries like DRC, where it is illegal for women to own property, women are more likely to struggle in adapting to new environments. In DRC, women must depend on husbands or male relatives to own or rent land.⁹⁹ Furthermore, they do not have the right to inherit land in their family hierarchy. The brave women who decide to fight for their right to land must have the resources to finance a lawsuit and need male authorization to file a lawsuit.¹⁰⁰ In considering the hurdles DRC women have to own land, it is no surprise that when displaced women become the head of the household, it is nearly impossible for them to find economic stability and housing security independently.¹⁰¹ Fifty-nine percent of IDPs in Goma, DRC reported difficulties in feeding their families, and they resorted to asking for loans to buy food and pay rent.¹⁰² The lack of access to sustainable work leads many displaced women to use their bodies as a form of currency. However, women who are economically independent or had a vast social network before displacement could adjust and reestablish themselves elsewhere more quickly.

⁹⁶ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 37 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

⁹⁷ *Id.* at 49.

⁹⁸ *Gender Inequality and Social Institutions in the DRC*, PEACE WOMEN, <https://www.peacewomen.org/content/gender-inequality-and-social-institutions-dr-congo> (last visited Apr. 3, 2021).

⁹⁹ Sebastiaan van der Hoek, *Congo: On land and women*, OCHA (Feb. 16, 2016), <https://reliefweb.int/report/democratic-republic-congo/congo-land-and-women#:~:text=Land%20rights%20for%20women,register%20land%20in%20their%20name.>

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 25 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

As mentioned above, housing is imperative to the livelihood of IDPs, but it also provides a lost sense of security most IDPs experience after displacement. A part of seeking family homes as refuge is to find a sense of physical safety after enduring the trauma of being forced to flee. Ten percent of IDPs who live in camps or with a non-familial host report never feeling safe.¹⁰³ Again, women and girls of all socioeconomic statuses are most vulnerable to abuse from insecure housing.¹⁰⁴ A simple task such as leaving underequipped camps for food and water leaves women vulnerable to being sexually abused.¹⁰⁵ Many camps separate IDPs based on gender, limiting male family members' ability to protect the women and girls in their family.¹⁰⁶ For instance, in Colombia, "more than a third of displaced Colombian women have been forced to have sexual relations, some of which having been subjected to genital mutilation, torture, forced prostitution, and sexual slavery."¹⁰⁷ In Nigeria, an IDP survey showed that "two-thirds of . . . camp officials sexually abused women and girls, [twenty-eight] percent said host community members did so, and six percent elders."¹⁰⁸ Displaced women in DRC reported that their host and camp officials coerced them to have sexual relations.¹⁰⁹ Young girls in DRC have reported that their teachers frequently expect sex from them in exchange for grades or money.¹¹⁰

C. Education

¹⁰³ *Id.* at 41.

¹⁰⁴ *Id.* at 35.

¹⁰⁵ *Id.* at 35.

¹⁰⁶ *Id.* at 39.

¹⁰⁷ *Id.* at 39.

¹⁰⁸ *Id.* at 39.

¹⁰⁹ *Id.* at 39.

¹¹⁰ *Experiences of Refugee Women and Girls from the Democratic Republic of Congo (DRC): Learning from IRC's Women's Protection and Empowerment Programs in DRC, Tanzania, Burundi, and Uganda*, INTERNATIONAL RESCUE COMMITTEE 4 (Apr. 2014), <https://ethnomed.org/wp-content/uploads/2020/02/IRC-Backgrounder-on-Congolese-Women-and-Girls.pdf>.

Internal displacement hinders children's educational and social development. Internally displaced children are torn away from their everyday lives. If they are lucky to return to school, they experience duress from the stress and trauma associated with displacement.¹¹¹ While some displaced children forcibly work to support their families instead of attending school, children who do not have this burden still face preclusion from school due to the cost. Many countries do not provide free education. IDPs typically struggle to afford to send their children to school. For instance, in DRC, displaced families spend about \$9 a month on education.¹¹² As a result, "nearly 7 million children aged 5 to 17 are out of school."¹¹³

Deterioration of children's health is another contributor to why they may suffer academically. Children who are suffering from malnourishment are less attentive in school. Also, disrupted educational services leave IDPs vulnerable to mental health issues. The disruption affects their social cohesion and promotes gender inequality. Attending school reduces displaced children's exposure to physical and sexual violence and abuse, [as well as] limits their recruitment into armed forces and groups.¹¹⁴ For instance, Indonesia saw that better-educated students who survived the 2004 tsunami could recover with better psychosocial health than those who were less educated.¹¹⁵

Furthermore, displaced children's limited access to education diminishes their chances for future employment. However, in an attempt to keep students in school, the Head of Education of Kasai Central (a province in DRC), Marie Jeanne, has asked teachers not to expel students due

¹¹¹ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 29 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

¹¹² *Id.*

¹¹³ Education, UNICEF, <https://www.unicef.org/drcongo/en/what-we-do/education> (last visited Apr. 3, 2021).

¹¹⁴ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 32 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

¹¹⁵ *Id.* at 32.

to lack of school fees.¹¹⁶ Another district, Nganza, which is within Kasai Central, has kept primary schools open despite the violence and advocates for the inclusion of displaced children.¹¹⁷ Marie Jeanne has allowed dedicated displaced students to take extra classes to prepare for state exams.¹¹⁸

Another element of education impacted by displacement is the school structure. In countries such as DRC that experience displacement due to conflict and violence, schools and public buildings are repurposed to serve as emergency shelters.¹¹⁹ The school buildings that remain open usually are at enrollment capacity with host and displaced children. The communities that host IDPs are usually not equipped to handle large classrooms, language barriers of some, or the mental disturbances of the children.¹²⁰

Even more, gender equality plays a role in impacting children's academic success. Internally displaced girls are less likely to finish their primary education than boys.¹²¹ Young girls are more likely to be pulled from school to take on domestic duties or early marriage and pregnancies.¹²² The socioeconomic status that young girls hold in DRC overshadows the priority to be educated. The need to tend the household is more important than developing young girls into economic contributors to society.

Educating the youth is a part of reducing the crippling effect displacement has on the economy and society. Humanitarian organizations such as The United Nations High

¹¹⁶*Thousands of Children Deprived of Education*, OCHA (Jun. 20, 2017), <https://reliefweb.int/report/democratic-republic-congo/thousands-children-deprived-education>.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ Christelle Cazabat, *The ripple effect: economic impacts of internal displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 32 (Oct. 2018), <https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>.

¹²⁰ *Id.* at 30. https://cdn.odi.org/media/documents/200428_drc.pdf

¹²¹ *Id.*

¹²² *Id.*

Commissioner for Refugees (UNHCR) have been integral in arranging educational initiatives. They have noted that prioritizing child protection is an essential aspect of educational initiatives. Many children are no longer safe in school because rebels tend to target schools in DRC to recruit boys into armed groups involved in the civil conflict and sexually exploit young girls. The 2017 – 2019 HRP for DRC targeted to provide 1.7 million children between the age of 5 to 11 with "access to quality education and psychosocial support activities and learning materials..., training nearly 31,000 teachers in learner-centred methodologies, peace education, conflict, and disaster risk reduction, and psychosocial support."¹²³ However, the government's limited resources to finance education or enforce academic initiatives stunts the possibility for progress. For instance, in 2010, there was a policy launch for fee-free education. However, since the launch, the cost for secondary fees has doubled because schools' fees are "used to pay for operating cost at higher levels of education, effectively turning [] fees into a form of taxation."¹²⁴ Due to the government's inaction, humanitarian organizations have provided approximately twenty-eight percent of funding for educational development in DRC.¹²⁵

IV. Legal Intervention: International Humanitarian Law

The enactment of International and regional policy initiatives has addressed DRC's displacement crisis and its inability to alleviate the ripple effect the five contributing factors. However, the continued rise in IDPs shows that these initiatives are inadequate for the scale of the problem. Nevertheless, initiatives are the foundation of any solution, and international intervention can strengthen its enforceability. Due to the civil war occurring in DRC,

¹²³ Amina Khan, Joseph Wales, Susann Nicolai, and Charlotte Caron, *Strengthening coordinated education planning and response in crises*, OVERSEAS DEVELOPMENT INSTITUTE 18 (May 2020), https://cdn.odi.org/media/documents/200428_drc.pdf.

¹²⁴ *Id.* at 20.

¹²⁵ *Id.* at 21.

international humanitarian law (IHL) protects civilians. The IHL “is a set of rules that, in times of armed conflict, seeks – for humanitarian reasons – to protect persons who are not, or are no longer, directly participating in hostilities”¹²⁶ These standards have aimed to protect civilian populations who may face “threats, such as tensions between them and host communities, settlement in unsafe or unfit locations, and forced return to unsafe areas.”¹²⁷ IHL intends to be a support system for internally displaced persons.¹²⁸ However, “there is no universal legally binding instrument” to compel the impacted governments to alleviate the issues IDPs face.¹²⁹ Therefore, all current international standards for IDPs are only as strong as a country’s choice to respect them.

A. The Guiding Principles

In 1998, The UN Commission on Human Rights adopted the *Guiding Principles on Internal Displacement* to reflect and embolden the IHL. The Guiding Principles are not legally binding, but the UN General assembly has recognized it as an “important international framework for IDP protection”¹³⁰ They place the responsibility to prevent displacement on the affected government.¹³¹ The Guiding Principles reinstate existing international human rights law and ensure it applies to IDPs:

The Guiding Principles note that arbitrary displacement in the first instance is prohibited (Principles 5-7). Once persons have been displaced, they retain a broad range of economic, social, cultural, civil, and political rights, including the right to basic humanitarian assistance (such as food, medicine, shelter), the right to be protected from physical violence, the right to education, freedom of movement

¹²⁶ INTERNATIONAL COMMITTEE OF THE RED CROSS, INTERNALLY DISPLACED PERSONS AND INTERNATIONAL HUMANITARIAN LAW 1 (2017),

file:///Users/biancapickering/Desktop/internally_displaces_persons_2017.pdf

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Guiding Principles on Internal Displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE, <https://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement> (last visited Apr. 3, 2021).

¹³¹ <https://reliefweb.int/sites/reliefweb.int/files/resources/201912-Africa-report.pdf>.

and residence, political rights such as the right to participate in public affairs and the right to participate in economic activities (Principles 10-23). Displaced persons also have the right to assistance from competent authorities involuntary, dignified, and safe return, resettlement, or local integration, including help in recovering lost property and possessions. When restitution is not possible, the Guiding Principles call for compensation or just reparation (Principles 28-30).¹³²

Here, it is clear that the Guiding Principles' goal is to reaffirm that governments must protect IDPs' fundamental human rights. However, international law is limited in its abilities to protect IDPs since their status falls outside of the traditional parameters for remedies. Since IDPs did not cross international borders, they cannot classify as refugees. Thus they "do not have a special status in international law with rights specific to their situation."¹³³ A refugee is defined as a person fleeing their country in fear of persecution, violence, or war.¹³⁴ Since refugees flee their country to another for asylum, their legal status entitles them to international protection outlined at the 1951 Convention.¹³⁵ As such, they are internationally protected from being forcibly returned to their country, and "civil, economic, social, and cultural rights similar to . . . nationals" are provided.¹³⁶ Even more, women, children, and disabled people are afforded special protection such as extra services for those with specific needs and safeguarded from being subjected to sexual or gender-based violence. IDPs are not entitled to any of these protections because they are still within their country's borders.

¹³² QUESTIONS AND ANSWERS ABOUT IDPS, UNHR <https://www.ohchr.org/EN/Issues/IDPersons/Pages/Issues.aspx> (last visited Feb. 20, 2020).

¹³³ *Id.*

¹³⁴ *Fact Sheet: International Refugee Protection System*, NATIONAL IMMIGRATION FORUM (APR. 1, 2019), <https://immigrationforum.org/article/fact-sheet-international-refugee-protection-system/#:~:text=The%201951%20Convention%2C%20which%20was,and%20signing%20countries'%20rights%20and>

¹³⁵ *Id.*

¹³⁶ *Id.*

As a response to the global rise in IDPs, in April of 2017, the international humanitarian community requested \$64.5 million in a flash appeal¹³⁷ to assist displaced women and children. The flash appeal also applied the first three objectives of the Humanitarian Response Plan for DRC 2017-2019. These objectives include (1) immediate improvement of living conditions of the crisis-affected people, (2) protection of the crisis-affected people and guaranteeing their human rights, and (3) reduction of the excess mortality and increased morbidity of the affected people.¹³⁸

B. Kampala Convention

On a regional level, the African Union in 2009 adopted the Kampala Convention on internally displaced persons.¹³⁹ It is the first legally binding regional instrument meant to address internal displacement. The Kampala Convention “provides a comprehensive framework that can guide the African States in adopting domestic normative, policy and practical measures to deal with internal displacement” effectively. Like the Guiding Principles, the Kampala Convention places an obligation on States¹⁴⁰, non-State armed groups¹⁴¹, and international organizations to prevent displacement and protect those displaced.¹⁴²

¹³⁷ A flash appeal is a tool for structuring a coordinated humanitarian response within the first three to six months of an emergency. *Guidelines for Flash Appeals*, ISAC (Oct. 2006), [https://www.humanitarianlibrary.org/sites/default/files/2014/02/Guidelines for Flash appeals.pdf](https://www.humanitarianlibrary.org/sites/default/files/2014/02/Guidelines%20for%20Flash%20appeals.pdf).

¹³⁸ DRC: US\$64.5 million needed to save 731,000 lives in the Kasai region, OCHA (May 10, 2017), <https://www.unocha.org/story/drc-us645-million-needed-save-731000-lives-kasai-region>

¹³⁹ United Nations, *Guiding Principles on Internal Displacement*, 2nd ed., OCHA/IDP/2004/01, United Nations, New York, 2004: <https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>, all web addresses accessed October 2017. 2 African Union Convention for the Protection and

¹⁴⁰ States Parties are defined as African States which have ratified or acceded to the Kampala Convention. https://au.int/sites/default/files/treaties/36846-treaty-kampala_convention.pdf p.8

¹⁴¹ Non-states armed groups refers to private actors who are not public officials of the State, including other armed groups not referred to in the Kampala Convention, and whose acts cannot be officially attributed to the State. *Kampala Convention*, AFRICAN UNION 7 (Oct. 2009), https://au.int/sites/default/files/treaties/36846-treaty-kampala_convention.pdf.

¹⁴² INTERNATIONAL COMMITTEE OF THE RED CROSS, *INTERNALLY DISPLACED PERSONS AND INTERNATIONAL HUMANITARIAN LAW 1* (2017), [file:///Users/biancapickering/Desktop/internally displaces persons 2017.pdf](file:///Users/biancapickering/Desktop/internally%20displaces%20persons%202017.pdf)

In 2019, the Kampala convention celebrated its tenth anniversary. However, after a decade, “fewer than half of the [African] countries have ratified it.”¹⁴³ DRC is among the African countries that have not ratified the Kampala Convention. Since its adoption, the Kampala Convention has been a catalyst of change, inducing countries such as Burundi, Sudan, Ethiopia, and DRC to develop related policy.¹⁴⁴ One policy change inspired by the Kampala Convention is the 2009 Child Code. The 2009 Child Protection Code (CPC) “criminalized the arbitrary displacement of people under 18 and enshrined displaced children’s rights.”¹⁴⁵ The CPC prohibited recruitment of children into war, child labor, arbitrary arrest, rape, and sexual violence. However, after seeing little progress by 2010, the South African delegate recommended that there needs to be a decentralization of funding and decision-making authority for this legislation to protect children truly. It was infeasible to find the ramifications of not abiding by the CPC. The government has not prioritized this endeavor, and there is still much to be done to protect children from recruitment and sexual violence. The convention instead assists in promoting IDP rights and providing a national and local authorities framework. Notably, however, the Kampala Convention is not the first treaty for IDPs that DRC signed. In 2006, DRC

¹⁴³A signed treaty by a country indicates a willingness to abide by the treaty but they are not yet bound to the treaty.

Africa Report on Internal Displacement, INTERNAL DISPLACEMENT MONITORING CENTRE 9, <https://reliefweb.int/sites/reliefweb.int/files/resources/201912-Africa-report.pdf>.

However, ratification indicates that the country is consenting to be bound to the bylaws of the treaty. *Chapter Four: Becoming a party to the Convention and the Optional Protocol – Joining the Convention*, UNITED NATIONS (Last visited January 25, 2021), <https://www.un.org/development/desa/disabilities/resources/handbook-forparliamentarians-on-the-convention-on-the-rights-of-persons-with-disabilities/chapter-four-becoming-a-party-tothe-convention-and-the-optional-protocol.html>.

¹⁴⁴ *Africa Report on Internal Displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 26, <https://reliefweb.int/sites/reliefweb.int/files/resources/201912-Africa-report.pdf>.

¹⁴⁵ *Id.* at 27.

became a member of the International Conference of the Great Lakes Regions¹⁴⁶ and became legally bound by it in 2008. Nevertheless, it has done little to assist in the IDP crisis.

In another attempt to improve IDPs' protection and assistance conditions, DRC signed the *Peace, Security and Cooperation Framework for DRC and the Region* (Framework) in 2013. The Framework recommitments DRC's government to deepen security sector reform; consolidate State authority, particularly in eastern DRC, including to prevent armed groups from destabilizing neighboring countries. It also progresses decentralization and furthers economic development by expanding infrastructure and primary social service delivery. Even more, it promotes the structural formation of Government institutions; and further the reconciliation agenda.¹⁴⁷ The Framework asks DRC to recommit to not interfering in internal affairs of neighboring countries to minimize violence within and outside of DRC that tend to attribute to the rise in internal displacement. This recommitment includes neither tolerating nor providing assistance or support to armed groups, respecting the sovereignty and territorial integrity of neighboring countries; respecting the concerns for neighboring countries, especially with security matters; neither harboring nor providing protection of any person accused of war crimes, crimes against humanity, acts of genocide or crimes of aggression, and facilitating the administration of justice through judicial cooperation within the region.¹⁴⁸ The Framework also

¹⁴⁶ A treaty comprised of the countries in the African Great Lakes Region with the purpose to recognize the political instability and conflict between the countries. The goal is to promote sustainable peace and development by providing a manual that includes practical information about the structure of the treaty, the different spaces in which people from the region can participate to develop policies, and highlights case studies of successful involvement of civil society organizations in ICGLR. *International Conference on the Great Lakes Region: CSO Handbook*, GPPAC. (Feb. 1, 2016), <https://gppac.net/resources/international-conference-great-lakes-region-cso-handbook>; IGLR Overview, International Conference On The Great Lakes Region, <http://www.icglr.org/index.php/en/background>.

¹⁴⁷ *Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region*, UN, (Feb. 24, 2013), https://peacemaker.un.org/sites/peacemaker.un.org/files/DRC_130224_FrameworkAgreementDRCRegion.pdf.

¹⁴⁸ *Id.*

states the President of DRC will implement a “national oversight mechanism” to ensure its implementation; however it does not elaborate on how it would work.¹⁴⁹

DRC’s government has tried to protect IDPs by implementing an inter-ministerial committee. In 2002, DRC established the Comité National pour les Réfugiés (CNR), which works closely with humanitarian organizations such as United Nations High Commissioner for Refugees (UNCHR) and Camp Coordination and Camp Management (CCCM) “to administer, and in some cases, manage the IDP camps of North Kivu.”¹⁵⁰ The government provides the CNR with monetary contributions to address the IDP crisis in DRC and successfully protects the camps.¹⁵¹ Lastly, DRC is part of the African Union (AU) which is a continental body consisting of 55 member states with the African continent with the primary objective to realize the potential of Africa.¹⁵² The AU has governmental powers designed to reunify, restructure and refocus African countries in their time of crisis. There is an opportunity to stabilize DRC’s internal displacement crisis within the AU.

V. Recommendation to enforce Legal Intervention

The international humanitarian community has developed initiatives and policies to address internal displacement.¹⁵³ The remedies should achieve IDPs no longer requiring government “assistance and protection linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.” The reality is until the implementation of

¹⁴⁹Stacey White, *Now What? The International Response to Internal Displacement in the Democratic Republic of the Congo*, BROOKINGS 12 (2014), <https://www.brookings.edu/wp-content/uploads/2016/07/The-International-Response-to-Internal-Displacement-in-the-DRC-December-2014.pdf>

¹⁵⁰ Stacey White, *Now What? The International Response to Internal Displacement in the Democratic Republic of the Congo*, BROOKINGS 17 (2014), <https://www.brookings.edu/wp-content/uploads/2016/07/The-International-Response-to-Internal-Displacement-in-the-DRC-December-2014.pdf>.

¹⁵¹ *Id.*

¹⁵² *About the African Union*, AFRICAN UNION, <https://au.int/en/overview> (last visited Apr. 3, 2021).

¹⁵³ *Africa Report on Internal Displacement*, INTERNAL DISPLACEMENT MONITORING CENTRE 31, <https://reliefweb.int/sites/reliefweb.int/files/resources/201912-Africa-report.pdf>.

durable solutions, when IDPs return to their homes or settle elsewhere, they require support to rebuild. To determine if there has been a resilient solution for IDPs, The Inter-Agency Standing Committee's (IASC) Framework on Durable Solutions found that the solution must focus on four components. The plan should provide (1) long-term safety, security, and freedom of movement; (2) an adequate standard of living which includes at minimum access to adequate food, water, housing, health care, and basic education, (3) access to employment; and (4) access to effective mechanisms that restore their housing, land, and property due to damage from the civil war or provide them with compensation.¹⁵⁴ Furthermore, an effective solution would provide an avenue for IDPs to replace personal documentation, voluntarily reunify with family, participate in public affairs, and have the option to seek justice for any human rights violations they may have faced.¹⁵⁵ While an extensive list, these components coincide with the five contributors (health, livelihood, housing, security, and education) to the adverse impact of displacement as mentioned above.

A humanitarian approach that has seen some success in DRC's provinces is the Cluster Approach. The Cluster Approach was introduced to DRC in 2005 and officially instituted as part of the UN Humanitarian Reform process. The Cluster approach aims to "improve the predictability, timeliness, and effectiveness of the humanitarian response, and pave the way for recovery."¹⁵⁶ It works on a country level because a "cluster lead," an agency or organization, formally commits to taking a leadership role within a particular sector. As such, they are responsible for ensuring adequate response and high standards of predictability, accountability,

¹⁵⁴*IASC Framework On Durable Solutions for Internally Displaced Persons*, BROOKINGS (Apr. 2010), <https://www.unhcr.org/50f94cd49.pdf>

¹⁵⁵ *Id.*

¹⁵⁶*The Cluster Approach*, WHO (Apr. 2007), https://www.who.int/hac/techguidance/tools/manuals/who_field_handbook/annex_7/en/.

and partnership for the needs of IDPs. In essence, the cluster lead takes on a mothering role, and the key to their success is to remain accountable for ensuring the effectiveness of their humanitarian response.¹⁵⁷

Another humanitarian approach that may be effective for DRC is a rights-based approach. IDPs are leaders in finding a durable solution to their plights in this approach. As such, humanitarian organizations would have to assist IDPs by providing them with all the information they would need to make informed decisions on a durable solution. The information must be easily accessible and comprehensive to IDPs who may not be literate. DRC has already seen progress with the use of radio stations, such as “Radio Miray.” The station provides quality news and music in national and local languages to provide valuable information to IDPs.¹⁵⁸

Next, humanitarian organizations should assist IDPs in being consulted on general legislative and policy proposals that affect their rights and legitimate interest. In Turkey, they launched an action plan on internal displacement in 2006, which extensively consulted with IDPs and other stakeholders such as local authorities and non-governmental organizations to “reduce a ‘culture of dependency’ and transform IDPs from passive recipients of state welfare to active citizens.”¹⁵⁹ This approach was successful because in collaborating with IDPs, Turkey created a solution for increasing household welfare which included providing a food bank, a ‘Green Network’ providing various social assistance services, micro-credit programs, and the province’s Child Research Rehabilitation and Training Center.”¹⁶⁰ Also, the process of creating and facilitating peace agreements should include IDPs. Human rights organizations dedicated to

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* at 17

¹⁵⁹ *Id.* at 21

¹⁶⁰ *Brookings-Bern Project on Internal Displacement, Protecting Internally Displaced Persons: A Manual for Law and Policymakers* 34, 92 (Oct. 2008), <https://www.refworld.org/docid/4900944a2.html>.

this cause should advocate to include women, children, and persons with special needs in the negotiation peace process. For example, humanitarians advocate for at minimum 30% participation of women in delegations, facilitate a meeting between displaced women and negotiating parties, and improve inclusivity.¹⁶¹ Lastly, national and local authorities, humanitarian and development actors should establish effective mechanisms to monitor the progress of the implemented solutions and determine what still needs to achieve. For example, the Philippines, in 2009 following a typhoon, “conducted a protection assessment exercise which included specific indicators for the relocation process drawn from the Framework for durable solutions, such as: whether or not IDP’s opinions were taken into account in planning and conducting the relocation process, and the level of access to basic services such as housing, water, health care, sanitation, and basic education.” The rights-based approach centers provide IDPs with the power to take actionable steps to alleviate their distress. They know best what they need and, therefore, should be integral in finding practical solutions.

The DRC government cannot rely solely on humanitarian organizations to solve their IDP crisis; there are many ways the government can take charge. On a macro scale, the first step to resolving the IDP crisis is to admit an issue to address.¹⁶² DRC's government faces criticism for not prioritizing efforts to mitigate the IDPs' plights. To move in a progressive direction requires “greater diplomatic engagement to incentivize negotiation and upholding political resolutions.”¹⁶³ In particular, there is a need to tap into the power of the African Union (AU). However, the AU must refocus on aiding African states to cooperate and integrate to develop

¹⁶¹ *IASC Framework On Durable Solutions for Internally Displaced Persons*, BROOKINGS 38 (Apr. 2010), <https://www.unhcr.org/50f94cd49.pdf>.

¹⁶² Wendy Williams, *Shifting Borders: Africa’s Displacement Crisis and Its Security Implications*, AFRICA CENTER FOR STRATEGIC STUDIES 37, <https://africacenter.org/wp-content/uploads/2019/10/ARP08EN-Shifting-Borders-Africas-Displacement-Crisis-and-Its-Implications.pdf>.

¹⁶³ *Id.*

economically.¹⁶⁴ Therefore, the AU must work with the African Union's Peace and Security Council (PSC)¹⁶⁵ –to suppress the civil unrest.¹⁶⁶ The AU has the power to penalize repressive governments. Even more, it has the authority to sanction member states after a coup or a rebel overthrow of a democratically elected leader. They utilized this power in Egypt when they suspended the countries "participation in AU activities until the constitutional order" after the overthrow of the democratically elected president in 2013.¹⁶⁷ Egypt was not reinstated into the AU until 2014, after the democratic election of President Abdel Fatah al- Sissi.¹⁶⁸ The sanction had a global impact as it diminished Egypt's diplomatic standing.¹⁶⁹ The sanction prohibited Egypt from the 2014 US-Africa summit.¹⁷⁰ DRC has not received any sanctions after the national government delayed the presidential election. Allowing repressive governments, such as DRC, to disregard their commitment to a democratic society fosters corruption and resentment, which causes violence.

Another tool that Africa has is The Africa Charter for Democracy, Elections, and Governance (The Charter) which the African Union adopted. 31 African countries ratified it, including DRC as of 2020, and calls for the auto sanction members who violate principles of democracy and respect for human rights.¹⁷¹ The Charter is a legally binding instrument that

¹⁶⁴ *Id.*

¹⁶⁵ An institutional mechanism for early warning and preventive diplomacy, peacemaking, and recommending interventions where necessary to promote peace, security, and stability. It is comprised of 15 elected members with equal voting powers. Wendy Williams, *Shifting Borders: Africa's Displacement Crisis and Its Security Implications*, AFRICA CENTER FOR STRATEGIC STUDIES 37, <https://africacenter.org/wp-content/uploads/2019/10/ARP08EN-Shifting-Borders-Africas-Displacement-Crisis-and-Its-Implications.pdf>.

¹⁶⁶ *Id.* at 37-38

¹⁶⁷ Emmanuel Balogun & Anna Kapambew Mwaba, *How will the African Union respond to the military overthrow in Sudan?* WASH. POST (Apr. 24, 2019), <https://www.washingtonpost.com/politics/2019/04/24/how-will-african-union-respond-military-overthrow-sudan/>.

¹⁶⁸ *Id.*

¹⁶⁹ Solomon Derosso, *Egypt vs African Union: A mutually unhappy ending?*, ALJAZEERA, <https://www.aljazeera.com/opinions/2014/7/14/egypt-vs-african-union-a-mutually-unhappy-ending>

¹⁷⁰ *Id.*

¹⁷¹ Wendy Williams, *Shifting Borders: Africa's Displacement Crisis and Its Security Implications*, AFRICA CENTER FOR STRATEGIC STUDIES 39, <https://africacenter.org/wp-content/uploads/2019/10/ARP08EN-Shifting-Borders->

imposes standards for exercising political power.¹⁷²The Charter's Framework requires that all signatories establish public institutions that promote democracy and constitutional order.¹⁷³ Even more, it prohibits the unconstitutional change of government, focusing on preventing coup d'état.¹⁷⁴ Even more, the Regional Economic Communities (RECs)¹⁷⁵ can consider imposing a “displacement tax” on the governments that have the most displacement (such as DRC, Sudan, and Burundi). It would be a justifiable and proactive step to forcing these governments to be held accountable for allowing conflict to run amuck.¹⁷⁶

On a micro level, there are several ways local governments may assist in providing protection and resources to DRC IDPs. A start would be implementing laws that allow IDPs to seek justice. Colombia has the Victims' Law, which employs good faith in both the Victims Registry and programs targeting IDPs. Based on this law, the “State must presume the good faith of the victims when they express harm suffered regarding the armed conflict... the administrative authority must refrain from requesting any further proof to the victim.”¹⁷⁷ Contrary, in DRC, victims of violence of displacement have limited access to justice. Victims of sexual assault may only prosecute their attacker through a flawed court system. The process is

[Africas-Displacement-Crisis-and-Its-Implications.pdf](#); Jessica Lusamba, DR Congo ratifies protocol establishing African court of human rights, JURIST (Dec. 16, 2020), <https://www.jurist.org/news/2020/12/drc-ratifies-protocol-establishing-african-court-of-human-rights/>

¹⁷² Vandeginste, S., *The African Union, Constitutionalism and Power-Sharing.*, JOURNAL OF AFRICAN LAW 5 (2013), <http://www.jstor.org/stable/24734852>.

¹⁷³ *Id.*

¹⁷⁴ *Id.* at 6.

¹⁷⁵ Regional groupings of African states with the purpose to facilitate economic integration between members of the individual regions. *The Regional Economic Communities (RECs) of the African Union*, OSAA, <https://www.un.org/en/africa/osaa/peace/recs.shtml> (last visited Apr. 3, 2021).

¹⁷⁶ *Id.*

¹⁷⁷ Wendy Williams, *Shifting Borders: Africa's Displacement Crisis and Its Security Implications*, AFRICA CENTER FOR STRATEGIC STUDIES 35, <https://africacenter.org/wp-content/uploads/2019/10/ARP08EN-Shifting-Borders-Africas-Displacement-Crisis-and-Its-Implications.pdf>.

problematic because it tends to be lengthy, corrupt, and expensive for victims. The cost of transportation and paying a lawyer alone can be a deterrent for most.¹⁷⁸

Another way DRC can assist IDPs is to add a constitutional amendment that commits providing cost-effective and community-based health services to those in need. For instance, the government could fund programs that would train host or IDPs on providing maternal care, malaria treatment, and even couple counseling to alleviate some of the health issues plaguing DRC.¹⁷⁹ The more medically trained people in primary healthcare, the more likely it is to have a healthier society.

Lastly, there should be a focus on unifying the countries official legal system and its traditional authority system. There are many leaders throughout DRC, as discussed above. The disconnect between traditional leaders in rural areas and the national government makes it unduly difficult to find solutions for IDPs. While there needs to be more research on why the traditional leaders disregard the government, the disconnect impacts the entire country since many rebel groups are targeting rural provinces.

Conclusion

The civil unrest in DRC causing internal displacement is a complicated and complex issue. DRC is a rich country with a plethora of cultures, languages, and traditions spread far and wide. As diverse and profuse in resources, it lacks the structure, stability, and unity to flourish economically and socially. Their violent history did not prepare them to be trailblazers in running a democratic state. The government has failed to consistently address the five

¹⁷⁸*Experiences of Refugee Women and Girls from the Democratic Republic of Congo (DRC): Learning from IRC's Women's Protection and Empowerment Programs in DRC, Tanzania, Burundi, and Uganda*, INTERNATIONAL RESCUE COMMITTEE 4 (Apr. 2014), <https://ethnomed.org/wp-content/uploads/2020/02/IRC-Backgrounder-on-Congolese-Women-and-Girls.pdf>.

¹⁷⁹Oluwakemi C. Amodu, Magdalena S. Richter, and Bukola O. Salami, *A Scoping Review of the Health of Conflict-Induced Internally Displaced Women in Africa*, INT. JOUR. OF ENVIR. RESEARCH AND PUB. HEALTH 17, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7068277/pdf/ijerph-17-01280.pdf>.

contributors (livelihood, health, housing, education, and security) which afflict IDPs. DRC relies heavily on humanitarian organizations and NGOs to provide support and awareness for IDPs. Specifically, internally displaced women and children bear the brunt of DRC's inability to provide and protect their citizens effectively. The country's patriarchal structure lowers women's socioeconomic status leaves many IDP women vulnerable to sexual and physical abuse, discrimination in the workplace, and housing insecurity since they cannot own land without a man's permission, even if they have the means. IDP children are often malnourished, undereducated, and most vulnerable to be forcibly recruited as child soldiers. Would the violence stop if the overall population had access to adequate livelihoods, health, housing, education, and security? Would more international intervention and accountability measures alleviate the struggles of IDPs? The answer is that it has to be a combination of everything. DRC does not lack the tools to make a turnaround; there are many policies, committees, treaties, and laws at its disposal to address the plights of IDPs. The issue is that DRC's government is not effectively held accountable for the countries state. The population of IDPs continues to rise, IDPs dying from curable and preventable diseases soar annually, and civil unrest rage on. However, DRC's government has not sanctioned its inaction. The world watches as more displaced citizens of DRC become casualties of the war.