



# Just Future DRC report #1

## **The social contract between the state and its citizens: Registration of IDPs in election times in DRC**

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## **Colophon**

This report is part of a series of documents that are the result of a socio-legal research project as part of the "Just Future" consortium, led by Cordaid and funded by the Dutch Ministry of Foreign Affairs, and fed by the team's previous research findings. The quotes presented here are taken from interviews with displaced people in Bukavu. The research was a collaboration between KUTAFITI, Bukavu DRC and the VVI, Leiden Netherlands.

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People queuing in line at an electoral registration office in DRC ©Innocent Assumani

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## **The social contract between the state and its citizens: Registration of IDPs in election times in DRC**

### **Executive Summary**

The ambition of Sustainable Development Goal 16 is to ‘Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels’ (SDG 16, 2015). Providing legal identity for all, including birth registration, is one of the indicators to measure progress in this regard (Target 16.9). This report explores legal identity and the registration and identification of citizens as an expression of the social contract between a state and its citizens. It focuses particularly on the social contract between the Congolese state and Internally Displaced Persons (IDPs) and how this is shaped through electoral registration, and the registration of major life events such as births, marriages and deaths. The limited engagement of IDPs with local state authorities is, on the one hand, related to a lack of personal connections with these authorities, a lack of knowledge about the relevance of registration, and a fear of having to pay excessive fees. On the other hand local state authorities engage little with IDPs because they find it difficult to trace them. The limited mutual engagement however, is also an impediment to develop policy targeting this group of people and to provide humanitarian support. It also creates barriers for IDPs to approach the state when they are in need of state support in their search for human security. Our research points to the need to strengthen the social contract between the Congolese state and IDPs as citizens.

### **Central findings and policy implications**

1. Most IDPs do not identify themselves with the local state authorities upon arrival in the city and only seek assistance of authorities in case of urgent needs. Not being known however makes their position in the city less secure and makes it more difficult for the state authorities to provide protection. Initiatives could be taken to promote the dialogue and interaction between IDPs and local state authorities (such as neighbourhood chiefs, and chiefs of the streets)
2. IDPs were motivated to register themselves for the upcoming elections, but mostly because the electoral card serves as an identity document. It does not necessarily mean that they are also interested in the actual elections and in casting their votes. High turn out during the electoral registration will not necessarily translate in high turn out during elections. Electoral campaigning will still be necessary to promote democracy in the country.
3. Registration of births is not commonly done by all, and many IDPs are unaware of the importance of obtaining birth certificates, or are hesitant to register births because they lack financial means. Raising awareness about the importance of birth registration

could be done by civil society actors in collaboration with the state's civil registration office.

4. Marriage registration can be a costly affair, especially for people who conclude religious, traditional and civil marriages. Thus far, in contrast to many other (African) countries, the Congolese state does not recognize a religious marriage as a formal marriage. Such recognition may help people to reduce costs and reduce the complexity to formalize marriages.
5. State authorities are sometimes informed about deaths, but there is no formal registration on this. This may become an important issue however when the Congolese state is going to issue official identity documents. In that case, awareness should be raised about the need to also formally register deaths to avoid identity fraud.

## Introduction

Instability, conflicts and violence are at the root of major population displacements in especially the east of the Democratic Republic of Congo for a long time already. Most Congolese people who flee remain within the country and seek shelter in host communities rather than in camps. At the end of 2022, the number of IDPs was estimated to be at around 5.7 million.<sup>1</sup> In contrast to refugees, IDPs do not need to register themselves upon arrival in their places of refuge because they move as citizens within their own country. As a result of this, they can easily stay under the radar of local authorities, but also under the radar of aid organisations. This is indeed what often happens in practice, making it difficult to provide them the assistance they may need to rebuild their lives.

Our research shows that in displacement, many people avoid seeking interactions with the state, either for lack of knowledge about the authorities; a lack of trust in them; or out of fear of being asked to pay something. Local authorities often indicate not being aware of IDPs living within their communities, as they do not come to identify themselves and as they lack mechanisms to trace newcomers in their neighbourhoods. To be able to obtain access to justice, people need not only to be aware of their rights, they also need to know which justice providers are available to them, and they should feel confident that they can approach these authorities. For this, it is important to explore the social contract between IDPs - as citizens - and the authorities.

This report explores the social contract between IDPs and the state through a lens of legal identity: To what extent have IDPs enrolled for the elections? And what does this tell us about the rule of law and trust in the state? To what extent do IDPs register important life events such as birth, marriage and death? And what does this tell us about the social contract between the state and Congolese IDPs as citizens? This brief explores policy implications of the empirical data collected by two Congolese researchers of KUTAFITI as part of the Just Future Alliance. The researchers conducted 52 semi-structured interviews with IDPs and local authorities in Bukavu, in the east of the DRC. During the interviews, they invited respondents to reflect on their experiences before and after displacement. This usually entailed a comparison between rural and urban settings. The research built on earlier research conducted by the KUTAFITI-VVI team and was coordinated by a Congolese and a Dutch team member.

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<sup>1</sup> <https://www.internal-displacement.org/countries/democratic-republic-of-the-congo>, viewed on 11.09.2023

IDPs are often unaware of the importance of identification and registration, and local state authorities do not necessarily reach out to the residents in their areas of jurisdiction, and if they do so, they will in some instances levy high user fees which deters people from seeking interaction. Building mutual trust could reduce prejudices against IDPs, increase their security in communities of refuge, and reduce the barrier to address state authorities and help IDPs to obtain better access to justice, health care, education, security and protection. Improving relations between IDPs and local level authorities could positively impact on the perceived security of IDPs and the extent to which they feel comfortable in reaching out to the state when in need of support.

Urban settings in the DRC have a hierarchical power structure which reaches the capillary veins of society with the help of ‘chiefs of 10 houses’ (*nyumba kumi*), ‘chiefs of the streets’, ‘chiefs of the cellule’, ‘chiefs of the neighbourhood’, and finally the ‘bourgemestres’ who rule over the ‘communes’, which together comprise the city, which is then headed by a mayor (*mairie*). Neighbourhood chiefs and higher authorities are remunerated by the state, the lower authorities are not. In the perception of the population, these lower chiefs are rather hybrid authorities; they are seen as grassroots structures, but also as state representatives. Chiefs of the street are often the first entry points for people to connect to the state. These chiefs, supported by the chiefs of the 10 houses, keep an eye on the people living in their entities. This means they will often also note the presence of newcomers.

#### **Box: Formal authority structure in the DRC**

Most IDPs only very limitedly engage the state for their life events, and often are not even aware that it could be important to register life events such as birth, marriage, divorce or death with the relevant authorities. Until the end of the Mobutu era in 1997, Congolese citizens were able to register their new-born children on their own identity cards, and many people would indeed do so. But since the times of Kabila, no identity cards have been issued anymore. At present, the government is preparing a registration and census of the population - for the first time since 1984 - , on the basis of its action plan for 2021-2023. This registration should make it possible to retake the issuance of identity cards in the near future.<sup>2</sup> In the absence of identity cards, Congolese citizens make use of their electoral registration cards as a token identity card that is widely accepted. In the following sections, we first describe IDPs engagement (or the lack thereof) with the state in particular situations as an expression of the social contract between IDPs and the state. We first discuss the engagement of IDPs with local authorities upon arrival in the city, and the electoral registration process. Thereafter, we describe everyday practices of registration of life events such as marriages, divorces, birth and deaths.

#### **Upon arrival in town**

*“When we arrived here, nobody was interested in us, but our host family took care to inform the chief of the street”*

There is no formal obligation to officially register oneself as inhabitant of a particular street, yet local authorities expect to be informed by new tenants about their presence. In practice,

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<sup>2</sup> « Delivrance des cartes d’identité en RDC : signature du protocole d’accord relatif au transfert des données et matériels à l’ONIP et à l’INS par la CENI », <https://actualite.cd/2023/06/09/delivrance-des-cartes-didentite-en-rdc-signature-du-protocole-daccord-relatif-au>, 9.06.2023

host families will sometimes request their temporary guests to identify themselves with the local authorities, and show the way, or inform the authorities on behalf of their guests, as the quote above shows. Without such indications of hosts, many IDPs (and other citizens probably as well) seek limited engagement with local authorities: They hardly present themselves upon settlement in their place of displacement, either because they do not know whom to address, or because they fear being asked for a contribution, in cash or in kind. Such contributions are of relatively modest value (2 bottles of beer for instance), but nevertheless difficult to cover for many IDPs, especially since they often have to pay six months of rent in advance as new tenants. The disadvantage of not presenting themselves with the authorities, is that they are also not known by these authorities. This sometimes leads to suspicion, or even accusations in case of theft in the neighbourhood for instance. Overall, there is a widespread feeling among IDPs that it is better to avoid interaction with local authorities. The following words are telling in this regard. They come from a 37-year old university graduate who fled to Bukavu in 2016 because of a leadership conflict in his community of origin. Even though the respondent is well educated and shows knowledge about his rights, he still meets challenges in realizing his rights and in securing his position in the city:

*“It is not easy to live in Bukavu with all the insults and stigmatization to which IDPs are subjected. They even call us witches. When there is a problem between a resident and an IDP, it’s always the IDP who comes out as the loser. I don’t know any IDP who has ever won a case against a resident, especially over land issues. Once, when my sister had a problem in her household, she came to live with me for the time being. The chief of the street summoned me and made me pay \$5 for not having warned him that my sister was going to be staying with me. In any case, I have very little contact with the chief of the street. I avoid him altogether.”*

Another respondent, a 61-year old woman, who fled to Bukavu in 2013 because of the presence of an armed group in her community, expressed general doubts about the image of the state authorities:

*“I don’t have good relations with the authorities. We just keep the minimum of contact, but not deeply. I know that they are not working in my interests. They do everything for their own glory and well-being, with no regard for us, the poor people.”*

Her words underline a feeling which is rather widespread among our displaced respondents: a feeling of being treated with disdain by the authorities and by members of the host community. For many, this feeling results in a reluctance to seek engagement. But the picture is more nuanced, and for some connections with authorities provides a sense of security. Such is the case of miss W. for instance, a 40-year old mother of 7 children. Her husband returned to their community of origin 6 months ago to cultivate their fields and to enable the family to survive. Prior to this, he was often gone for prolonged periods of time to the mining areas in the province. In his absence, Wabi feels more vulnerable. By presenting herself as newcomer with the chief of 10 houses, she feels assured of protection by the established authorities. At the same time, she also hopes that informing the chief about her precarious position, may help to obtain access to assistance of the government or humanitarian aid organisations, as the chief may inform aid actors of her vulnerable position.

Whereas IDPs often do not actively identify themselves with local authorities, there is great variation in the extent at which local authorities (chiefs of the 10 houses, chiefs of the streets and of the neighbourhoods) collect data on the residents living in their neighbourhood. Earlier findings of our team showed that some authorities take regular stock of their constituency

and pass at all houses on a monthly basis. Others do so only at the explicit request of the city administration, where data are gathered and aggregated. Many of the lower level chiefs indicated to us that they would want to be better aware of the arrival of newcomers, to ensure security and surveillance in their streets and neighbourhoods. Some of our respondents who had identified themselves with local authorities admitted that they had done so to obtain a sense of security.

## **Electoral registration**

In December 2023, nation-wide elections are supposed to take place in the DRC. In the absence of a population register, citizens are supposed to actively register themselves to obtain a voter card and to participate in the process of updating the electoral register. Electoral registration was rolled out in different stages in the country. For the east of the DRC, registration eventually took place from February to May 2023.

People without a valid identity card (i.e. without the old voter's card) are – according to the electoral law – supposed to present themselves with the chief of the street (or the chief of the village in rural areas) as well as three witnesses, living in the same street. In practice, electoral agents used their discretion to also accept people without these witnesses. Not all chiefs were willing or prepared to accompany inhabitants of their streets for free, especially if these people were in fact unknown to them, and knowing that they would have to wait for long hours at the electoral offices. Some of the chiefs issued written declarations, which the voter could bring to the electoral office. People who came unaccompanied by witnesses, testified to us that they often had to pay additional sums of money to electoral agents for their registration. Electoral officers explained to us that they would ask people without identity card and without witnesses to speak in one of the Congolese dialects as a proof of their Congolese identity. In some cases, this also led to tensions, with officials and onlooking crowd denying Rwandanophone people access to electoral offices, especially when on the basis of their physical appearances they were considered as 'Rwandan'.<sup>3</sup> In the east of Congo, where issues about identity and belonging are at the root of some of the long-term conflicts, being accepted as a Congolese citizens (and not being seen as Rwandan) can even be a matter of life and death, and hence it is important not to exclude people from registration if in fact they are Congolese.

In general, there was a great willingness among Congolese citizens to obtain their voter's card. This should not be taken as an indicator of willingness to vote during the upcoming elections. In February 2023, the reputed Congo Research Group and its Congolese partner organization Ebuteli published the results of a poll conducted among 3632 Congolese, spread over all of the country's 26 provinces. The poll indicated that almost 54% of the people are not planning to cast their votes in the upcoming elections.

Yet, despite the low interest in the elections and the pessimistic expectation of people about the state, people were queuing massively to register for the elections. So much so that the electoral registration period had to be prolonged several times to enable everybody to register. In our research, we found that many people in Bukavu had to wait in line for several days to obtain their voter's card, some even trying their luck – often in vain – at different registration offices. Some respondents complained about having to make informal payments

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<sup>3</sup> C. Dikiefu Banona, "Ethnic targeting mars DR Congo's electoral process: Violent attacks, discrimination hamper voter registration in the East", Human Rights Watch, 09.05.2023

to be able to register. Others travelled from the city to their communities of origin to avoid the long queues.<sup>4</sup>

Why then was there such an interest in the electoral registration if people do not care much about the elections? The answer is simple and related to the additional importance of the voter card. A large part of Congolese citizens does not have an official identity document. This applies not only to the elderly, but also to the younger generation. As we show below, many parents have never registered the birth of their children. In the absence of an official identity card, the voter card is widely accepted – and needed – in daily life as a proof of one’s identity. Some IDPs have been living in the city for several years, but nevertheless register themselves in their communities of origin. Having this community mentioned as place of residence on their voter card, makes it easier for them to negotiate their passage with their voter card at one of the many formal or informal road blocks leading to their communities of origin, and hence to maintain a connection with relatives and resources left behind. People who engage in cross-border trade have a strong preference to register themselves in Bukavu as it facilitates travel to neighbouring Rwanda.

In sum, the voter card not only allows people to vote, but also serves as a token identity document as long as no other identity cards can be obtained. Electoral registration is hence more than registration for the elections. It does not simply indicate people’s willingness to vote and to sustain democracy, it is also a strategic act to certify one’s citizenship. For politicians, there was an additional strategic element behind mobilising people to vote since electoral representation is calculated on the basis of registered votes. Districts with higher numbers of registered people, will be entitled to have more representatives. Because of this, some politicians would organise free transport from the city to the territories to increase the number of registered votes. Since eventual voting will have to be done at the same place as the initial registration, it raises the question whether people will be able to travel again on election day. This is a more general concern for people who are forced to move in the period between registration and election day.

### Registration of life events

In general, our research shows that people engage little with the state to formalise important life events, either for a lack of knowledge about the need to do so, or because of a strong perception that costs will be elevated. Indicatively, an official of the civil registry in one of the *communes* of Bukavu provided the following cost overview, which shows that apart from the civil wedding registration, costs are relatively low:

Registration of children within 90 days after birth	free
Registration of children after 90 days	Supplementary judgement by the court
Wedding registration	\$72
Death certificate	\$5
Marriage certificate	\$5
Nationality certificate	\$3

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<sup>4</sup> Besides this, there are concerns about the democratic process and the impossibility to enrol for elections in the territories Kwamouth (Mai-Ndombe), Masisi and Rutshuru (North Kivu) and in a part of the commune Maluku in the city of Kinshasa due to insecurity. This undermines the inclusivity of voting.

Certificate of good conduct, life and morals	\$3
Residence certificate	\$5
Burial permit	\$5

## **Marriages and divorces**

*“Marriage is the union between a man and a woman, recognised by their families, by the state, and by God.”*

There are three ways of getting married in the DRC: the customary marriage, which includes the payment of a dowry by the family of the husband to the family of the prospective wife; the religious marriage, usually in church; and the civil marriage, which is registered at the civil registration office. The conclusion of each of these marriages involves a series of costs, and as a result, many people never manage to realise all three, and do not consider themselves to be really married, although in common parlance they will say they are married. The payment of a dowry for instance is often agreed upon between the two families. The content of a dowry can vary greatly, depending on the family’s wealth. Despite oral agreements between the two families, the actual payment can be kept pending for years. Illustrative are the words of a 66-years old displaced man, cited above. Thus far, he had only completed the traditional wedding prescriptions. He regretted not yet having done the other two marriages, and feels pressed to still do this before his death. Not wearing a wedding ring, like many others around him, gives him the feeling that he is not properly married.

Barriers to complete all three marriages are generally higher in the city, where administrative costs are higher, where the dowries to be paid are more sizeable, and where the number of guests at celebrations is higher. A woman who had done both the traditional and religious marriage in her village, did not see much sense in conducting the civil wedding ceremony. She explained: “The main thing is to arrange things with your parents and with God. Our State only eats, without contributing anything to couples or families, especially in times of difficulty.”

If marriages are often not formalized, divorces are even less formalized. Several female IDPs narrated how their husbands had left them without leaving a trace and without providing any maintenance for their children. Some of them still considered themselves as married as there had not been a formal divorce and as their husbands had never explicitly told them that they would leave them.<sup>5</sup> Others had been repudiated, for instance after having been raped by members of an armed group. In such cases, it is widely accepted in society that men abandon their wives. In some cases, women were forced to leave their children with the family-in-law, without being able to see them growing up. The absence of formal divorces however also means that there are usually no formal agreements made about alimony, which places especially divorced women in vulnerable positions, usually forcing them to turn to close relatives for support.

## **Births**

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<sup>5</sup> Note that women may also consciously claim that their marriage still continues, even when knowing that their husbands do not intend to return to their homes. The status of being married -even if a husband is absent or invisible for years- provides them a certain level of protection and allows them to live on their own with their children, making them less dependent.

Registration of births is still supposed to be done at the civil registration office in the city, and by the chef de commune in rural areas (need to check this). Legally, parents are obliged to register their children within a period of 90 days after birth at no costs. For registration, it suffices to present the birth certificate from the hospital's maternity, containing the names of both parents. Registration after more than 90 days involves additional costs.<sup>6</sup> Knowledge about the obligation to register however is limited, and many IDPs have not registered their children, or have registered only some of them. Remarkably, if only some of the children within a family are registered, and others are not, registration has mostly happened in the rural areas, prior to displacement, where people are better aware of the relevant authorities, and where costs to be paid for state services are generally lower. Once displaced to the city, parents feel reluctant to approach the authorities, do not know where to go exactly and what to expect in terms of payment requests. The informal conditions which are incorporated within formal procedures feed into images of the state as an institution that many prefer to avoid.

Although people who do not have a birth certificate in principle are not able to claim their legal identity, in most people's lives, the lack of birth certificates does not (yet) pose major challenges, because of the high levels of informality in people's lives. Birth certificates are supposed to be provided when school enrolment takes place, or when access to health care is needed. In practice however, children are accepted at schools (especially private schools) without birth certificates and only meet problems when they want to take the final school exams. With many children never fully completing primary school, the lack of a birth certificate does not pose a major impediment. The same goes for health care, especially when it concerns private health providers, where proper payment is the mechanism through which access is assured. In later stages of life however, having a legal identity can open the road towards formal employment, or the obtention of a travel document such as a passport. Whereas at present, the electoral registration provides people with a backroad to obtain legal identity, it may well be that such a backroad will end to exist when formal ID cards will be issued again.

An additional complication for IDPs, which other citizens may not face, is that part of the IDPs have to flee their places of residence in a rush, and that many of them lose even their most precious belongings. In turbulent times, it is not always easy to keep one's birth certificate. One of our respondents for instance admitted that the birth certificates of all her 9 children got lost when members of an armed group set their house on fire and forced them to flee. Thus far, the children have not experienced any problems because of the lack of these documents, but she is aware that it may cause problems in the future. In principle, it is possible to obtain duplicates, but this requires access to the registry office where the registration took place.

Recently, a Congolese NGO has been raising awareness among citizens in Bukavu about the requirement to register the birth of children, but without offering a solution for non-registered children. This now makes people fear excessive costs because of late registration. It was

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<sup>6</sup> The study did not reveal a fixed rate, as the cost is always debatable, depending on the number of children to be registered, their ages, the urgency of the request for a supplementary judgment, and the level of wealth of the parents of the children to be registered. However, officers assigned to the Kadutu commune magistrates' court (for example) quote an unofficial rate of between 50 and 250 US dollars. According to them, regardless of the number of children, the overall cost is limited in most cases to a maximum of USD 250.

suggested by some of our respondents, including state officials, to organise a campaign during which late registration can be done for free.

## **Deaths**

*“I prefer the honours and ambiance accorded to funerals in the city for dignitaries, but my social status of vulnerability will not allow me to have such a funeral”*

In the absence of a legal identity, there is no need to terminate this identity at the moment somebody dies. Most of our respondents who have experienced death of their beloved ones, indicated that they were not aware of any formal obligation to register a person’s death. Nevertheless, deaths are usually reported to the local authorities, both to obtain formal permission to conduct the funeral, and as a way to share feelings of loss and to allow the authorities to share in the grieving. The need to obtain formal permission however does not seem to be widely known. In previous elections, there have been concerns about the lack of formal registration of deaths, as it allows for electoral fraud: voter cards of people who die in the period between electoral registration and election day can be (ab)used by others to cast votes for their preferred candidates.

In the urban setting of Bukavu, burials take place at the cemeteries, and they are seen as a costly affair. People with less means often aim at short mourning periods to avoid “holding people up for nothing and with nothing to offer”, as one respondent explained. Better-off people organise more extensive ceremonies, and often prefer to bring their deceased relatives back to their natal lands and to conduct the burial on the familial plot of land. This testifies of the strong connection that people maintain with their communities of origin, also in contexts of prolonged displacement. It is also an indicator of a widespread feeling that the eternal rest of a deceased is better respected in rural areas than in the city, and that in the village the souls can rest in peace alongside those of other members of their families. Bukavu has a shortage of space in the cemeteries and since a couple of years squatters have taken up residence on one of the biggest cemeteries of Bukavu.

When comparing burials in the city to burials in rural areas, many IDPs refer to the higher levels of solidarity which they experience in their communities of origin, where social networks are more tightly-knit and where solidarity finds its expression in various ways. One displaced person, a 37-year old man who had lost one of his children in the village and one of his children in Bukavu, explained that in neither of the cases, he had had to obtain a formal document, but that in both cases, the local chief attended the mourning. In the village however, he felt better assisted:

*“Neighbors and family members came to assist us physically (vigiling together), materially (cassava flour, drinks, firewood) and morally (encouragement, prayer). In the village, when people come to mourn, they are not in a hurry.”*

Another respondent was a 75-year old man who had come to Bukavu in 2003 after having endured 3 years of armed conflict in his village. He reflected in particular on the changes in burial practices as a result of the fighting. His words underline the impact of conflict on everyday events:

“The burial generally takes place about twenty metres behind the house of the bereaved family. Especially after the great wars that terrorised rural populations, people learned to

avoid gathering on the road or far from their homes, so the local authorities agreed to authorise burials in family plots. This was not the case before the great war of 1997, except for authorities such as chiefs [...], who were buried in their royal courtyards as a reminder and education of the way in which powers had succeeded one another in the entity.”

### **What can (international) NGOs do to strengthen the social contract between IDPs and the state?**

Internally Displaced Persons in the east of the DRC have fled in large numbers to more stable places like Bukavu because the state has not been able to provide adequate security and protection. In displacement however, they need to acquaint themselves with the urban authority structure and with the individuals who represent the state to them. This is not a self-evident process, and many IDPs avoid seeking interaction. This not only undermines the social contract between the state and its citizens, but not having an entry point into the state, it may be too big a step to approach authorities in case people need support to realise their rights or to obtain access to justice.

Some ways in which the social contract can be strengthened:

- **Raising awareness among inhabitants of the city about the importance of informing authorities about newcomers:** The neighbourhood of Mulambula is currently conducting the campaign “Zero cases of persons without destination”. The campaign is meant to prevent criminals from settling in the area and to eventually improve security. Through a door-to-door awareness raising campaign, households are asked to identify new arrivals or displaced persons at the neighbourhood office. This can serve as a good example for campaigns in other neighbourhoods, and open the path to more interaction between newcomers and authorities. It is important to emphasise to IDPs that being known and identified will help to provide them a level of protection and not to be the first to be suspected in case of criminal events.
- **Emphasize importance to local authorities of not asking unnecessary payments for identification services which are supposed to be for free:** If IDPs take steps to identify themselves, it is important that this first experience with local authorities is a positive one to encourage them to seek interaction again in the future. If unlawful payments are asked, IDPs may refrain from seeking interaction again.
- **Raise awareness about the importance of voting and ensure that voting is inclusive:** To promote democracy in the DRC, it is important that people feel committed to vote. Electoral registration has been an important first step, but many people do not necessarily intend to make use of this registration for the actual casting of the vote. With obtaining a token identity card, electoral registration has already served its purpose for many people. For people who are forced to flee in the period between registration and the actual elections, it may be important to create the possibility to vote at a different polling station than where registration took place. Given the attempts to exclude particular groups from voter registration, it is important to ensure their access to polling stations during the actual elections.
- **Raise awareness about the importance of registration the birth of children as an essential step to obtain a legal identity:** When the birth registration is done at the maternity hospital, the parents can already be informed to proceed with obtaining the birth certificate. Once it is possible again to obtain identity cards, the birth certificate will become a more essential document to proof one’s identity and to obtain an ID card. It will also increase the need for the civil registry to keep an up-to-date record of decesses. To encourage parents to still register their children

for whom the 90-day registration period has passed, it may be an option to install a particular one-time period of grace during which late registration is possible without a supplementary judgement.

- **Advocate for the formal recognition of religious marriages:** Whereas traditional marriages are family affairs and do not necessarily require the presence of an authority, religious marriages are conducted in a public sphere in the presence of religious authorities. Formal recognition of religious marriages may reduce the burden of which a triple marriage consists for many couples and their extended families and increase levels of formality. It will also make it easier for disadvantaged partners to formalise divorce and to take steps towards maintenance agreements.

## Conclusion

A lack of awareness and a fear for payments creates a reluctance among IDPs to seek interaction with the local level representatives of the Congolese state. This is not conducive for the social contract between the state and its citizens and hampers IDPs sense of security and being at home in the city. It also hinders their access to justice.

By exploring the way in which legal identity is realised, this paper sheds light on the ways in which the social contract plays out in practice. A number of suggestions is done for strengthening this. IDPs in the DRC constitute a considerable group of citizens in the DRC that tends to be largely overlooked and ignored, partly because they are themselves also not seeking active engagement with the state. Promoting more and more positive interaction between IDPs and the local state authorities will lead to better mutual knowledge and hence stronger relations between the state and its citizens.

Finally, it should be noted that some of our findings and observations do not only apply to the relation between IDPs and the state, but to Congolese citizens and the state more widely. Our recommendations may hence be read in a wider sense as well.