



United Nations
Economic Commission for Africa

Towards improving migration statistics and good legal identity for migrants in East Africa: a regional perspective

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Economic Commission for Africa
P.O. Box 3001
Addis Ababa, Ethiopia

Tel: +251 11 544-9900
Fax: +251 11 551-4416
E-mail: eca-info@un.org
Web: www.uneca.org

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Executive summary

Main findings and policy suggestions

Target 16.9 of the Sustainable Development Goals relates to achieving legal identity (ID) for all. Migration intersects with legal ID in many ways. Research has shown that proper identification for the inclusion of migrants in local communities and economies can have transformative impacts. These impacts accrue because of the multiple benefits of legal identification, including improved access to humanitarian assistance, education, payment and financial services, and even mobile telephone subscriber identity module (SIM) registration. Legal ID can act as a foundation and support for digital ID and civil registration, as well as for other specialized (functional) IDs, and can be interoperable across different platforms. The extension of legal ID coverage can also benefit host communities in hard-to-reach and border areas. However, the lack of a legal ID can lead to obstacles to immigration-related procedures, such as obtaining a permit to stay in a country or being granted a visa, gaining access to employment or resident status once abroad, achieving family reunification and other rights. Irregular and forcibly displaced international migrants may leave documents behind when fleeing, lose or intentionally destroy them during the journey, or see them confiscated by smugglers or officials.

The Economic Commission for Africa (ECA) and the African Union Commission are jointly implementing a project entitled “International migration in Africa: shaping a positive narrative and removing barriers to mobility”. The project is being implemented through several interventions led by ECA that depend on close collaboration between the African Union Commission and ECA, in cooperation with regional economic communities, States members of the African Union and relevant stakeholders, such as the International Labour Organization and the International Organization for Migration. The joint project, leveraging each institution’s strength, is focused on six areas, namely:

- a) Promoting economic empowerment of migrant women: identifying and supporting migrant women’s engagement in economic activities;
- b) Improving migration statistics and strengthening the legal identity of migrants in East Africa;
- c) Supporting the African Union Technical Assistance Facility on Migration Governance;
- d) Combating irregular migration in the Horn of Africa and in countries that lie along the three irregular migration corridors from the Horn of Africa;
- e) Strengthening cross-border infectious disease surveillance and data collection on migrants’ health;

- f) Enhancing free movement of persons and pathways for labour mobility and skills portability in Africa.^{1,2}

The present report is one of the outputs related to improving migration statistics and good legal identity for migrants in East Africa.³ The report is aimed at increasing the understanding among national Governments, the private sector, academia and civil society of legal ID and opportunities for its application in migration and development. The legal and policy frameworks for improving migration statistics and good legal identity across the regional economic communities covering East Africa are examined, specifically frameworks covering five areas: cross-border migration governance; statelessness; legal ID; eradication of statelessness; and the adoption of digital legal ID. The main findings of the report are set out in the following summary.

A. Progress and opportunities

The intergovernmental organizations covering East Africa, including the East African Community (EAC), the African Union, the Intergovernmental Authority on Development and the International Conference on the Great Lakes Region, have made significant progress in developing policies and legal frameworks and in implementing programmes aimed at promoting safe, orderly and regular migration, operationalizing the right to legal identification and a nationality, and digitalizing ID.

B. Challenges

The intergovernmental organizations examined in the present report face common challenges that have undermined progress in developing policies and legal frameworks and implementing programmes aimed at promoting safe, orderly and regular migration, operationalizing the right to legal ID and a nationality, and digitalizing ID. Major challenges include:

- a) Non-accession by some member States to the major international and regional legal frameworks on migration, legal ID and statelessness;
- b) Failure by some member States to incorporate into their national legislation the international and regional legal instruments to which they have acceded;
- c) Insufficient capacity and resources of the regional intergovernmental organizations to undertake projects at the regional level;
- d) Inadequate sharing of data among member States.

1 African Union, "Launch of African Union Commission – United Nations Economic Commission for Africa Migration Project", 30 May 2023. Available at: <https://au.int/en/pressreleases/20230530/launch-african-union-commission-united-nations-economic-commission-africa> (accessed on 12 November 2025).

2 United Nations Economic Commission for Africa, "ECA and AUC to tackle migration narrative and barriers in Africa", 29 May 2023. Available at: <https://www.uneca.org/stories/eca-and-auc-to-tackle-migration-narrative-and-barriers-in-africa> (accessed 12 November 2025).

3 This paper was prepared by Jeremmy Okonjo.

C. Recommendations

1. General recommendations

The intergovernmental organizations should consider taking the following actions:

- Promote the accession to international legal instruments and regional legal frameworks by member States that have yet to accede to these legal instruments. This is especially important for regional legal instruments that require certain accession thresholds to be met in order for them to enter into force.
- Promote the harmonization of member States' national laws and policies relating to migration, legal ID, digitalization and statelessness, either by adopting regional policy and legal frameworks or, where these are in place, by promoting their incorporation into national legislation.
- Promote closer cooperation with the African Union and other intergovernmental organizations by establishing integrated border management infrastructure and exchanging information.
- Establish well-resourced regional agencies to facilitate information exchange and coordinate adjudication procedures for border management, recognition and verification of ID, determination of nationality for stateless persons, and the advancement of the digitalization of ID.
- Pool resources to establish interoperable regional and continental technological and other infrastructure for the operationalization and enforcement of laws, policies and programmes relating to integrated border management, legal ID, digitalization of ID, and statelessness.

2. On migration governance

The intergovernmental organizations should consider taking the following actions:

- Develop specific regional legal frameworks addressing refugee migration issues in detail.
- Increase awareness about migration issues among relevant State and non-State stakeholders engaged in migration issues, so as to ensure the development and implementation of policies, legal frameworks and practices that are consistent with regional and international law obligations.
- Make provision for a dedicated team of migration experts to coordinate regional migration programmes and assist partner States in complying with regional policy and legal commitments.
- Work with international partners to gain access to sufficient financial, infrastructural and technological resources to implement subregional migration governance programmes.

3. On legal identification for migrants

The intergovernmental organizations should consider taking the following actions:

- Extend the right to legal ID beyond citizens of EAC partner States to include refugees and stateless persons.
- Explicitly incorporate provisions of international law on the right to legal ID into regional legal frameworks.

4. On statelessness

The intergovernmental organizations should consider taking the following actions:

- Develop specific regional legal frameworks addressing statelessness issues in detail.
- Promote the harmonization of national laws and practices of member States in relation to statelessness.
- Establish regional agencies to exchange information and coordinate adjudication procedures for the determination of nationality for stateless persons.
- Conduct joint training for border officials in East Africa on the standardized handling of cases of statelessness.
- Strengthen compliance mechanisms through a regional monitoring mechanism.
- Adopt measures to increase the collection and sharing of information on statelessness within and among member States.

5. On the digitalization of legal identification and related infrastructure

The intergovernmental organizations should consider taking the following actions:

- Establish regional policy and legal frameworks that promote lawful data-sharing among member States, including laws on data protection and cybersecurity.
- Jointly develop and adopt digital and physical infrastructure that is interoperable at the regional level for digitalized identification that facilitates integration and digitalization in the region.
- Adopt a rights-based approach to the digitalization of legal ID to ensure that the rights of already vulnerable migrants, such as refugees and stateless persons, are not further infringed through risky digital infrastructure.

- Close the digital divide within and among member States by adopting regional technology policies that promote public and private sector investment in digital technology infrastructure and universal access, such as through lower cross-border communication costs.

I. Introduction

A. Basis in international law for legal identity as a right

Legal identity (ID) is a concept constructed through numerous provisions of international law that recognize various human rights and entitlements, and that consequently create corresponding obligations for States. For example, articles 1 and 2 of the Universal Declaration of Human Rights provide that every individual is entitled to dignity and human rights without discrimination, while articles 6 and 7 provide that everyone has a right to recognition everywhere as a person and to be equal before the law without discrimination. Article 15 also provides that everyone has a right to a nationality and that “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”.⁴ Articles 16 and 26 of the International Covenant on Civil and Political Rights⁵ also provide for the right of recognition everywhere as a person and for equality before the law, while articles 7 and 8 of the Convention on the Rights of the Child provide for the right to an ID starting from a person’s birth. These provisions of international law have placed on States the obligation to fulfil these rights by establishing systems for the registration of nationality and legal ID, the issuance of nationality and legal identification documentation, and the proof of validity of these documents.

B. Basis in the Sustainable Development Goals for legal identity

In addition to international law commitments, States Members of the United Nations have also agreed to international development policy commitments, including, in 2015, the 2030 Agenda for Sustainable Development, which contains the Sustainable Development Goals.⁶ Target 16.9 of the Goals includes a pledge to, “by 2030, provide legal identity for all, including birth registration”. The aim of target 10.7 is to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”. In addition to this specific target, legal ID is also the basis for achievement of at least 10 of the Goals, as their achievement is dependent on vital statistics generated from various aspects of the legal ID system, including civil and population registers. Indeed, these data support the measurement of over 60 Goal indicators.⁷

⁴ A/RES/217(III).

⁵ United Nations, Treaty Series, vol. 999, No. 14668.

⁶ A/RES/70/1.

⁷ Zoran Djoković, United Nations Country Team Operational Guidelines (Geneva, United Nations Department of Economic and Social Affairs, United Nations Development Programme and United Nations Children’s Fund, 2020).

C. Legal identity and human rights

Legal ID and related data infrastructure are crucial to the enjoyment of various fundamental rights, civil rights and socioeconomic rights. In addition, the legal ID system also empowers the State in its various roles, including governance and economic planning. States require information on legal ID in order to identify various segments of the population that are owed State duties under legal and policy frameworks. In addition, legal ID also empowers individuals to transact with State and non-State actors, for example in such commercial contexts as employment, trade, education and medical services. Persons without a nationality and a legal ID therefore become stateless, affecting their ability to enjoy basic human rights and leaving them vulnerable to abuse and exploitation.

D. Legal identity and migration

Legal ID is also crucial to the migration and mobility of individuals, especially cross-border migration that has been necessitated by economic globalization; economic, political and humanitarian crises; and such ecological events as climate change. The lack of a legal ID can impede the safe migration of people to most countries and may also undermine their ability to enjoy certain human rights or gain access to certain services offered by both governmental and non-governmental institutions. For example, the lack of a legal ID could prevent migrants from fulfilling immigration-related requirements and procedures, such as obtaining visas and residence permits. In addition, it also limits immigrants' access to employment, social services, family unification and the right to leave and return to their country.

This link between legal ID and migration has informed various targets of the Sustainable Development Goals, including targets 16.9 and 10.7.⁸

E. Global Compact for Safe, Orderly and Regular Migration

The Global Compact for Safe, Orderly and Regular Migration, adopted in 2018, has further articulated the link between legal ID and migration by outlining specific mechanisms through which Governments can improve national legal ID systems.⁹ Under Objective 4, Governments are required to “ensure that all migrants have proof of legal identity and adequate documentation”,¹⁰ and States are mandated to “fulfil the right of all individuals to a legal identity by providing all [their] nationals with proof of nationality and relevant documentation, allowing national and local authorities to ascertain a migrant’s legal identity upon entry, during stay and for return, as well as to ensure effective migration procedures”.¹¹

⁸ International Organization for Migration, Legal Identity Toolkit (Geneva, 2022).

⁹ A/RES/73/195.

¹⁰ Ibid.

¹¹ United Nations Network on Migration, “GCM Objective 4 – Legal identity and documentation”. Available at: <https://migrationnetwork.un.org/taxonomy/term/282>.

F. Compact on Refugees

The Global Compact on Refugees, adopted in 2018, has similarly strengthened the conceptual and programmatic link between legal ID and immigration. It recognizes that civil and birth registrations are a major tool for protection and solutions, including for refugee women, girls and others with specific needs. It calls on States and relevant stakeholders to contribute resources and expertise to facilitate timely access by refugees and stateless persons to civil and birth registration and documentation, including through digital technology and the provision of mobile services, subject to respect for their data and privacy rights.¹²

Legal ID for migrant populations has therefore attracted specific attention and interventions from various international and regional organizations, largely because the complexity of migrant populations makes it necessary for individual countries to develop appropriate responses. The first reason for the complexity is the fact that different groups of migrants have different motivations for cross-border migration in varied contexts. For example, economic migrants on the one hand, motivated by the need to gain access to better economic opportunities in other countries, are less vulnerable and more likely to have certain IDs and travel documentation that would grant them access to certain services and opportunities in the host State. On the other hand, refugees and other victims of forced migration who are fleeing war, political persecution, ecological crises and other forms of coercion are more vulnerable and less likely to have IDs and travel documentation that would enable them to have access to the same services as economic migrants in the host States.

The issue is complex also because of the fact that matters relating to legal ID, migration and mobility, and their linkages are governed primarily by national policies and laws, within particular national contexts. The lack of uniformity across national approaches further increases the vulnerabilities of victims of forced migration in particular, as they may find themselves in host countries with limited recognition and operationalization of the right to legal ID.

These complexities have led to the various international and regional efforts aimed at harmonizing and operationalizing the right to legal ID for all, but especially for migrant populations. One of the main interventions is the digitalization of national IDs, with the realization that technology can provide more efficient and effective means of automating national ID systems, and the introduction of new forms of ID, including biometrics – that is, the use of fingerprints, iris texture or facial geometry to determine a person's identity. However, the digitalization of ID leads to the emergence of new challenges, especially for developing countries, including privacy, cost, capacity and long-term viability.¹³

¹² A/RES/73/151.

¹³ Joseph J. Atick and others, *Digital identity toolkit: a guide for stakeholders in Africa* (Washington, D.C., World Bank Group, 2014).

G. Migration, legal identity coverage and statelessness in East Africa

According to global estimates, the number of international migrants in 2019 was 272 million worldwide, amounting to 3.5 per cent of the global population, with nearly two thirds of this migrant population being labour migrants.¹⁴ The World Bank also estimates that some 850 million people globally do not have an official identification, the majority of whom are in Africa and South Asia.¹⁵ In addition, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), there are at least 10 million stateless persons worldwide. The World Bank also estimates that, as of 2022, 186 out of 198 countries had a foundational ID system where ID records were stored in a digital format. This still leaves 375 million people who live in countries where ID records are predominantly paper-based, making them difficult or impossible to verify or replace.¹⁶

Within the countries of the African Union, the international migrant population grew from 17.2 million in 2010 to 26.3 million in 2019. In addition, about 500 million people in Africa do not have legal IDs. Quantifying the number of stateless persons in Africa has been difficult owing to challenges in data collection. However, data from UNHCR showed that 4 countries accounted for 721,303 stateless persons, showing the scope of the problem across the continent. In an attempt to address the lack of IDs, about 17 African countries have introduced or are working towards introducing national IDs with electronic components, such as microchips or machine-readable barcodes.¹⁷

In addition, within the Intergovernmental Authority on Development (IGAD) area of operation, the number of international migrants increased from 3.1 million in 2010 to 6.5 million in 2019, marking a 110.2 per cent increase. The number of migrant workers within the IGAD area of operation also increased, from 1.59 million in 2010 to 3.39 million in 2019.¹⁸ According to UNHCR, as of February 2024, the IGAD area of operation was host to 4.8 million refugees and asylum-seekers, and there were about 85,000 stateless persons in the area, specifically in Kenya, South Sudan and Uganda.¹⁹ Migration and forced displacement in IGAD member States are driven by many factors, including conflicts, environmental degradation, disasters, poverty and economic factors. Since most migrants remain within the IGAD area, all member States are places of origin, transit and destination for migrants. The IGAD member States that have introduced or are working towards introducing national IDs with electronic components include Kenya, Uganda and the United Republic of Tanzania.

¹⁴ United Nations, Department of Economic and Social Affairs, Population Division, International Migration 2019: Report (ST/ESA/SER.A/438), p. iii.

¹⁵ Claire Susan Casher, Julia Michal Clark and Anna Zita Metz, ID4D Global Dataset 2021: Volume 1 - 2021 Global ID Coverage Estimates (Washington, D.C., World Bank Group, 2022), p. 2.

¹⁶ Claire Susan Casher, Julia Michal Clark and Anna Zita Metz, ID4D Global Dataset 2021: Volume 2 - Digital Identification Progress & Gaps (Washington, D.C., World Bank Group, 2022).

¹⁷ Sorina Teleanu and Jovan Kurbalija, Stronger digital voices from Africa: Building African digital foreign policy and diplomacy (DiploFoundation, 2022), p. 139.

¹⁸ Intergovernmental Authority on Development (IGAD), IGAD Migration Statistics Report (2021), p. 3.

¹⁹ Office of the United Nations High Commissioner for Refugees, Regional Dashboard RB EHAGL: Refugees, returnees and internally displaced persons in the IGAD Region as of 29 Feb 2024 (Operational Data Portal, 2024). Available at: <https://data.unhcr.org/en/documents/details/107513> (accessed on 10 July 2024).

International migration in the East African Community (EAC) made up 2.8 per cent of the Community's total population, increasing from 2.7 million in 2010 to 5 million in 2019. The number of migrants in the labour force also doubled from 1.4 million in 2010 to 2.7 million in 2019.²⁰ Estimates on the number of people without a form of legal ID in the EAC area of operation indicate that, in South Sudan, Uganda and the United Republic of Tanzania, nearly 50 per cent of the population do not possess IDs, while in Rwanda this number falls to 20 per cent.²¹ There is little data on statelessness in EAC, although the IGAD estimate of 85,000 stateless persons in Uganda, Kenya and South Sudan are relevant.

H. Conceptual frameworks and definitions

The definitions and conceptual approaches used in the present report follow those of the United Nations Legal Identity Expert Group, established by the Deputy Secretary-General in September 2018. The Group was tasked with drawing on expertise from the whole of the United Nations system to develop a framework that ensures a homogenous, harmonized and coordinated approach among all entities of the United Nations system. The framework guides advice and support to Member States to ensure the comprehensive establishment and development of civil registration, vital statistics and ID management systems.²²

a. Legal identity

Legal identity refers to the basic characteristics of an individual's identity, for example, name, sex, and place and date of birth, conferred through registration and the issuance of a certificate by an authorized civil registration authority following birth. Where there is no birth registration, legal ID may be conferred by a legally recognized ID authority. Where this is the case, the secondary legal ID system should be linked to the civil registration system to ensure what is referred to as a holistic approach to legal identity, that is, legal identity from birth to death. Under this holistic approach, legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.

Proof of legal identity is defined as a credential, such as a birth certificate, ID card, travel document or digital ID credential, that is recognized as proof of legal identity under national law and in accordance with emerging international norms and principles.

b. Civil registration

Civil registration is defined as the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirement in each country. Civil registration is carried out primarily for the

20 East African Community Secretariat, East African Community International Migration Statistics Report - Edition One (Arusha, East African Community, 2022), p. xiv.

21 Victoria Esquivel-Korsia and Anita Mittal, Study of Options for Mutual Recognition of National IDs in the East African Community (Washington, D.C., World Bank, 2018), p. 19.

22 Djoković, United Nations Country Team Operational Guidelines.

purpose of establishing the documents provided by the law. Vital events include birth, death, marriage, divorce, adoption and paternity recognition.

c. Vital statistics

Vital statistics constitute the collection of statistics on vital events in a person's lifetime, as well as relevant characteristics of the events themselves and of the person and persons concerned. Vital statistics provide crucial and critical information on a country's population.

d. Population register

A population register is defined as an individualized data system, that is, a mechanism of continuous recording, or coordinated linkage, of selected information (such as date of birth, sex, place of birth, place of residence and date of death) pertaining to each member of the resident population of a country in such a way as to provide the possibility of determining up-to-date information on the size and characteristics of that population at selected time intervals. The population register is the product of a continuous process, in which notifications of certain events, which may have been recorded originally in different administrative systems, are automatically linked on a current basis.

e. Legal identity management

Legal identity management refers to the issuance of proof of legal ID to each individual by a government-authorized entity and the maintenance of systems for managing information and documents associated with such an ID. It also comprises the verification, registration, management and conservation of personal data of citizens, as well as non-citizens in the State territory, with the goal of establishing unique legal ID credentials within the jurisdiction. Identity management usually includes all data from a person's civil registration and may include other attributes, such as a unique number or biometric data, including ID credentials issued by an ID management agency that serve as a basis for the verification of ID (i.e. passport or national ID cards).

f. Functional registers

Functional registers are established or authorized by the Government to ensure efficient service delivery and discharge of components of the governing mandate, as a part of the administrative data systems in specific sectors. Those registers can, in general and generic terms, be designated as "functional" registers, since their purpose is directly linked to the discharging of government responsibilities under a specific function. Personal information in the functional registers should reflect legal ID as registered in the legal ID management system.

I. Objectives and methodology

The present report has been prepared mainly on the basis of desk research on data collection, which primarily involved the review and analysis of reports of such international organizations as the International Organization for Migration (IOM), the World Bank and the Economic Commission for Africa (ECA). Institutional reports prepared by the African Union, IGAD, the International Conference on the Great Lakes Region (ICGLR) and EAC were also relied on.

II. Regional approaches to migration governance, legal identity and statelessness in East Africa

The present report contains an examination of the opportunities, progress and challenges of recognizing and implementing the rights and obligations under international law relating to migration, legal identity and nationality, statelessness and digitalization of ID, from an East African perspective. This includes the policy, legal and programmatic initiatives taken by the African Union, IGAD, ICGLR and EAC. The rationales for this regional approach to legal identity for migrants and related issues are multiple and interrelated.

The first rationale is that intergovernmental organizations, such as the African Union, IGAD, ICGLR and EAC, have as part of their objectives the regional integration and free movement of people across their respective areas. These objectives promote regional migration, strengthen the recognition of nationality and advance the realization of the right to legal identity as fundamental pillars for the free movement of people. Conversely, ensuring rights to legal identity and nationality for migrants, including refugees, and the digitalization of ID also enhance regional integration, by addressing regional challenges that may undermine States' incentives to implement regional agreements, such as insecurity created by cross-border migration.

The second rationale is that these intergovernmental organizations are platforms for policy, legal, technological and infrastructural harmonization, and for interoperability across various social, political and economic sectors. This is because they have the convening and advocacy power at the head-of-State and ministerial levels to promote regional harmonization. These harmonization platforms can be leveraged to accelerate the adoption and implementation of policy and legal frameworks relating to migration, legal identity and nationality, statelessness and the digitalization of ID.

The third rationale is that the intergovernmental organizations can also promote mutual learning and support for member States, considering the regional (rather than national) nature of the challenges relating to migration, legal ID, statelessness and the digitalization of ID. The fourth rationale is that the resource constraints of countries in East Africa and the regional nature of these challenges make a case for the pooling of resources at the regional level to jointly address the issues.

It is in this context that, in the present report, having established the international law foundations of the right to legal identity and nationality, the policy and legal obligations created at the African Union level are examined, cascading down to smaller intergovernmental organizations that form part of the African Union, such

as IGAD, ICGLR and EAC, with the latter three bodies having overlapping but not identical State memberships.

The analytical framework adopted in this examination of the continental and intergovernmental organizations includes best practice principles for migration governance, legal identity, statelessness and digital legal identity. These principles are outlined in the following sections.

A. Migration governance

IOM defines migration governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas.”²³ In the IOM Migration Governance Framework, its main principles are set out as follows:

- a) Adhering to international standards and fulfilment of migrants’ rights;
- b) Formulating policy using evidence and a “whole-of-government” approach;
- c) Engaging with partners to address migration and related issues.

Further outlined in the Framework are the following primary objectives:

- a) Advance the socioeconomic well-being of migrants and society;
- b) Effectively address the mobility dimensions of crises;
- c) Ensure that migration takes place in a safe, orderly and dignified manner.

Cross-border migration at the regional and international levels is a clear manifestation of globalization and raises complex challenges that provide a strong rationale for multilateral cooperation, since no State can address them alone. Nevertheless, migration governance as an issue still lacks a coherent, multilateral global governance framework, such as those that have been developed in such domains as trade, finance and health. The current international migration governance framework consists of a tapestry of various fragmented and incoherent policy, legal and (formal and informal) institutional frameworks touching on various domains relevant to broader migration, such as human rights, trafficking in persons, smuggling, refugees and skilled labour migration. Each of these domains has its own international and regional governance frameworks, creating a complex tapestry of multilateral, regional and bilateral migration governance frameworks. This complex governance landscape is compounded by the fact that these different frameworks are underpinned by incoherent and inconsistent objectives, such as the protection of migrants by enhancing their rights versus the prevention of migration through the reduction of access to safe and legal routes for migration.

IOM is an important multilateral institution that convenes various multilateral stakeholders in migration governance issues, but it lacks the legal mandate and institutional authority of a transnational governance institution. In this context,

²³ International Organization for Migration, Migration Governance Framework (Geneva, 2015).

migration governance has largely remained the domain of sovereign States, despite their inability to address migration-related issues unilaterally.

It is in this context that regional institutions have emerged as an alternative and important level of migration governance, for a number of reasons. First, the proliferation of regional treaties, declarations and policy documents is driven by the fact that most migration flows are intraregional. For example, according to the United Nations Department for Economic and Social Affairs, in 2020 nearly half of all international migrants resided in the region from which they had originated.²⁴ Second, the two major international migration instruments of the United Nations – the Global Compact on Refugees and the Global Compact for Safe, Regular and Orderly Migration – have each underscored the role of regional governance institutions as the main forums for the origination of legal solutions to migration challenges, including the protection of refugees, the provision of legal IDs and the eradication of statelessness. Third, migration governance by regional institutions enjoys certain advantages: geographical neighbours share common political and socioeconomic interests on which cooperation on migrant issues can be built; regional initiatives address regional peculiarities that may be overlooked in international migration governance initiatives; and reaching legal and political agreement on these issues is easier than in multilateral forums.²⁵

Regional migration governance initiatives have taken various forms, including:

- a) The institutionalization of migration within the governance objectives of regional economic communities, for example, achieving the free movement of people within common markets, such as EAC;
- b) The establishment of regional consultative processes as informal platforms for dialogue and exchange on migration in general;
- c) Interregional cooperation processes, such as the Khartoum Process and the Rabat Process.²⁶

B. Legal identity

Legal identity refers to the basic characteristics of an individual's identity, for example, name, sex, and place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. Where there is no birth registration, legal identity may be conferred by a legally recognized identification authority. In such cases, the secondary legal identity system should be linked to the civil registration system, following a holistic approach to legal identity, in which legal identity is established from birth to death (see figure 1 below). Under this holistic approach, legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death. Proof of legal identity is defined as a credential, such as a birth

24 United Nations, Department of Economic and Social Affairs, Population Division, International Migration 2019: Report.

25 Eva Dick and others, "Regional migration governance: contributions to a sustainable international migration architecture", Briefing Paper (1/2018) (Bonn, German Development Institute, 2018).

26 Ibid.

certificate, ID card, travel document or digital ID credential, that is recognized as proof of legal ID under national law and in accordance with emerging international norms and principles.

National identification has increasingly become essential in various areas, including migration governance, social protection, humanitarian interventions and financial inclusion. However, national ID roll-outs have encountered various challenges, including weak legal, institutional and governance frameworks, infrastructural challenges, insufficient privacy and data protection standards, and the potential exclusion of certain groups. In this context, various international organizations, including United Nations entities, the World Bank and several international non-governmental organizations, have formulated various principles and recommendations for achieving good legal identity by addressing these challenges.

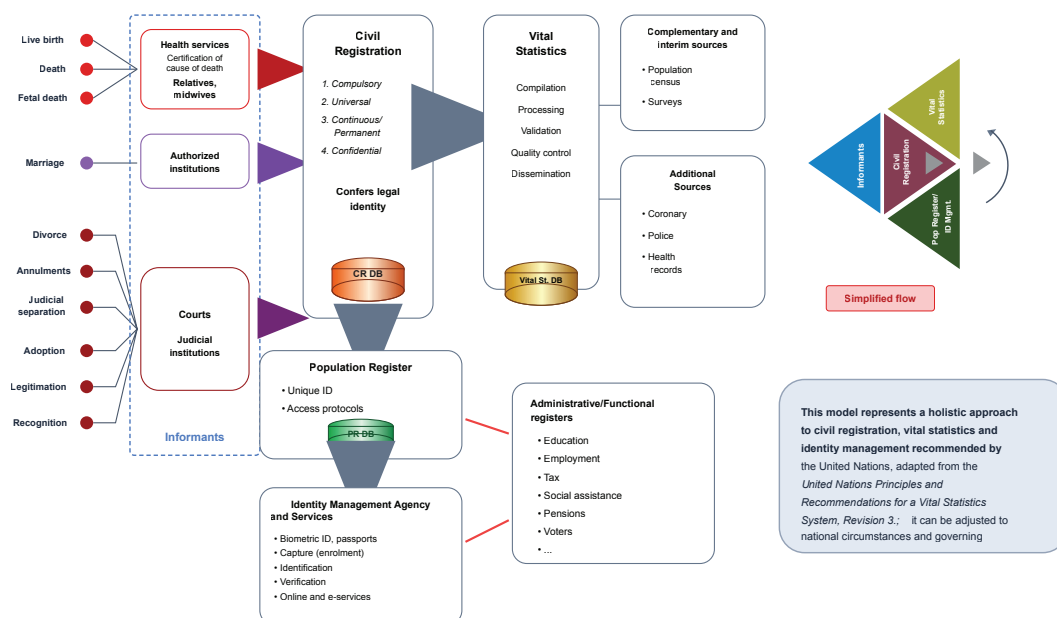
Some of the main principles of good legal identity include:

- a) Enacting a comprehensive policy framework for a national legal ID programme;
- b) Adopting a holistic/whole-of-government approach to the national legal ID programme;
- c) Anchoring the national legal ID programme in a robust legal, institutional and governance framework;
- d) Ensuring universal access to legal ID and inclusion of marginalized groups and individuals in the programme;
- e) Promoting equitable economic and social prosperity across various user groups and stakeholders of the national legal ID programme;
- f) Embedding trust, privacy and security in the design of the national legal ID system;
- g) Enabling interoperability of the national legal ID system with other public, private and regional ID databases or systems;
- h) Adopting open technological standards through the promotion of technological neutrality in the technical design of the national legal ID system;
- i) Adopting an ecosystem approach to the national legal ID programme by promoting private sector innovation within the national legal ID system;
- j) Promoting long-term financial, technological and political sustainability of the national legal ID programme.

Bilateral and regional approaches to national legal ID roll-outs have gained momentum in Africa, with an increasing number of political and legal commitments made towards improving civil registrations and vital statistics. This is evidenced by the number of ministerial-level meetings that have taken place on the matter over the last decade, and the number of comprehensive civil registration and vital

statistics assessments undertaken by African countries during the same period. This has led to the integration of the aforementioned main principles of good legal identity into various policy and legal instruments adopted by regional organizations in East Africa.

Figure 1: Civil registration, vital statistics and identity management system



Source: Zoran Djoković, United Nations Country Team Operational Guidelines (Geneva, United Nations, Department of Economic and Social Affairs, United Nations Development Programme and United Nations Children's Fund, 2020).

Abbreviations: CR DB, civil registration database; VS DB, vital statistics database; PR DB, population registers database, Pop register ID mgt, population register ID management.

C. Statelessness

In international law, people who are stateless or at risk of statelessness are defined as people for whom there is a possibility or probability that they are “not considered as a national by any State under the operation of its law.”²⁷ The groups of people that are most at risk of statelessness include: migrants and their descendants; refugees and internally displaced persons; border populations (including nomadic and pastoralist groups who regularly cross borders); and orphans and other vulnerable children, including victims of trafficking in persons.²⁸

Statelessness in East Africa has been exacerbated by the region's colonial history, characterized by the arbitrary borders drawn by colonial authorities, leading to the division of many homogenous ethnic groups into smaller groups that were lumped

²⁷ United Nations, Treaty Series, vol. 360, No. 5158.

²⁸ Bronwen Manby, “Statelessness and citizenship in the East African Community” (Nairobi, UNHCR Regional Service Centre, 2018).

together with other ethnic groups in new administrative units in different countries. In addition, historical conflicts, forced displacements and humanitarian crises have also left many people at risk of statelessness.

Under international law, States have the primary responsibility to identify and protect stateless persons on their territories and to take action to prevent and reduce statelessness. This ensures that stateless persons and populations or those at risk of statelessness can enjoy basic human rights, allowing them to live dignified lives until their statelessness is resolved through acquisition of a nationality.

United Nations entities and related partners have formulated best practice responses to statelessness, which can guide regional organizations in their efforts to eradicate statelessness. These responses are organized around four pillars: identification; prevention; reduction; and protection (see figure 2).

Figure 2: Pillars of statelessness eradication strategies

Identification	• What methods can be used to map the situation of stateless persons?
Prevention	• What can be done to avoid new cases of statelessness?
Reduction	• What measures can be taken to resolve existing cases of statelessness?
Protection	• What is needed to ensure that stateless persons enjoy their fundamental rights?

Source: Adapted from Organization for Security and Cooperation in Europe and UNHCR, *Handbook on Statelessness in the OSCE Area: International Standards and Good Practices* (2017).

1. Identification: mapping statelessness and populations at risk

The Convention relating to the Status of Stateless Persons obliges States to identify stateless persons within their jurisdiction in order to provide them with appropriate treatment and protect their fundamental, civil and socioeconomic rights, including juridical status, employment, welfare and administrative measures.

While data on statelessness are vital, and have indeed been a major problem for countries in East Africa, the State obligation to identify stateless persons and groups goes beyond the collection of statistics and requires a broad mapping of the statelessness situation. UNHCR has recommended the following best practice components of identification:

- a) Scale and demographic profile: statistical make-up of the population;
- b) Location: detailed mapping of where people reside in the country;
- c) Causes: reasons for statelessness or risk of statelessness;
- d) Status: present legal status of the population, such as statelessness;
- e) Protection concerns: difficulties in gaining access to rights and services;

- f) Stakeholders: the entities within the international and national law framework affecting statelessness;
- g) Capacity: ability of affected groups and stakeholders to address statelessness;
- h) Attitudes: extent to which stakeholder perceptions influence measures to address statelessness.

In addition, the use of various mapping procedures is also recommended in the UNHCR framework, including:

- a) Legal analysis: the incorporation of international law definitions of stateless persons into national legal frameworks can help to identify statelessness and related risks;
- b) Outreach: engaging civil society organizations to liaise with communities in gathering further information;
- c) Population data: gathering information on statelessness through periodic population censuses;
- d) Surveys on statelessness.

Statelessness determination procedures

The State should establish statelessness determination procedures that enhance the State's ability to fulfil its obligations under the Convention relating to the Status of Stateless Persons. Determination procedures should build in certain fundamental safeguards and procedural guarantees, including:

- a) Simplicity and efficiency;
- b) Access to an interview;
- c) Legal aid;
- d) Respect for specific protection needs of women, children and persons with disabilities;
- e) Reasonable time frames for making and communicating decisions following submissions of applications for determination;
- f) Duty to give decisions in writing, with reasons and explanations of the basis for the decision;
- g) Right to appeal against a first-instance rejection of an application on the basis of law.

2. Prevention: addressing the root causes of statelessness

The prevention of statelessness means that States and other stakeholders must address the possible causes of future statelessness. This requires legal and

procedural safeguards to prevent groups at particular risk of statelessness, such as migrants, women and children, from being rendered stateless. This entails reforming legal frameworks relating to, among other things: the acquisition, loss, renunciation and deprivation of nationality; the determination of nationality status; and the removal of administrative obstacles to obtaining birth registration or identity documentation. It also includes the reform of laws relating to discrimination (on gender, racial, ethnic, religious, linguistic or other grounds), as this is usually a major factor in the deprivation of nationality.

Some of the best practices in the prevention of statelessness include:²⁹

- a) Removing gaps in nationality legislation;
- b) Facilitating birth registration and the provision of legal identity documentation;
- c) Simplifying procedures and evidence requirements for birth registration and the issuance of nationality documentation;
- d) Enhancing access to civil registration and documentation;
- e) Enhancing cooperation among stakeholders;
- f) Avoiding statelessness in cases of State succession;
- g) Acceding to United Nations statelessness conventions.

3. Reduction: promoting access to a nationality for stateless individuals and groups

Considering the high number of stateless persons globally and regionally, it is important not only to find ways to prevent new cases of statelessness, but also to resolve the existing situations of statelessness. The reduction of statelessness therefore refers to proactively promoting access to a nationality for stateless persons and groups by adopting the following best practices:

- a) Legal provision of automatic acquisition of nationality on the basis of specific legal criteria;
- b) Legal provision of non-automatic but facilitated acquisition procedures: this includes procedures where nationality is acquired only upon application or naturalization;
- c) Effective naturalization processes: simplifying procedures or removing obstacles that stateless persons may face in seeking to naturalize or acquire nationality by application, for example by providing adequate information, counselling or legal aid programmes;

²⁹ Organization for Security and Cooperation in Europe and UNHCR, Handbook on Statelessness in the OSCE Area: International Standards and Good Practices (2017) pp.123–124.

- d) Removal of obstacles for at-risk groups, including marginalized communities (e.g. Indigenous/non-Indigenous groups), migrants, women and children;
- e) Establishing procedures for the recovery of nationality;
- f) Provision for deoxyribonucleic acid (DNA) testing to prove familial links to build a case for recognition of nationality;
- g) Promotion of rights enjoyment by stateless persons, to lay the groundwork for the future acquisition of nationality, or to make a case for policy changes;
- h) Engagement with stateless and at-risk communities to identify existing capacities to provide effective responses and constraints to their access to statehood or nationality.

4. Protection: advancing the enjoyment of human rights by stateless persons

Despite efforts aimed at identifying, preventing and reducing it, statelessness continues, and the rights of stateless persons and groups under international law continue to face limitations and violations. Some of the protection issues faced by stateless persons include:

- a) Obstacles to birth registration and access to birth certificates;
- b) Lack of legal ID documents;
- c) Obstacles to legally recognized marriages;
- d) Limited access to socioeconomic rights, such as the rights to education, healthcare and employment;
- e) Limits on property ownership, ability to enter into contracts, open bank accounts, obtain business licences, etc.;
- f) Limitations on freedom of movement;
- g) Non-recognition of the right to reside in one's own country;
- h) Repeated and prolonged detention, especially in the context of migration;
- i) Heightened risk of exploitation, trafficking and sexual and gender-based violence.

This situation requires the protection of stateless persons and groups through the adoption of specific and additional measures in their favour, until such time as they acquire an effective nationality. These measures include:

- a) Issuance of and access to legal ID and travel documentation to stateless persons;

- b) Promotion of access to social and economic rights by stateless persons, such as education and healthcare.

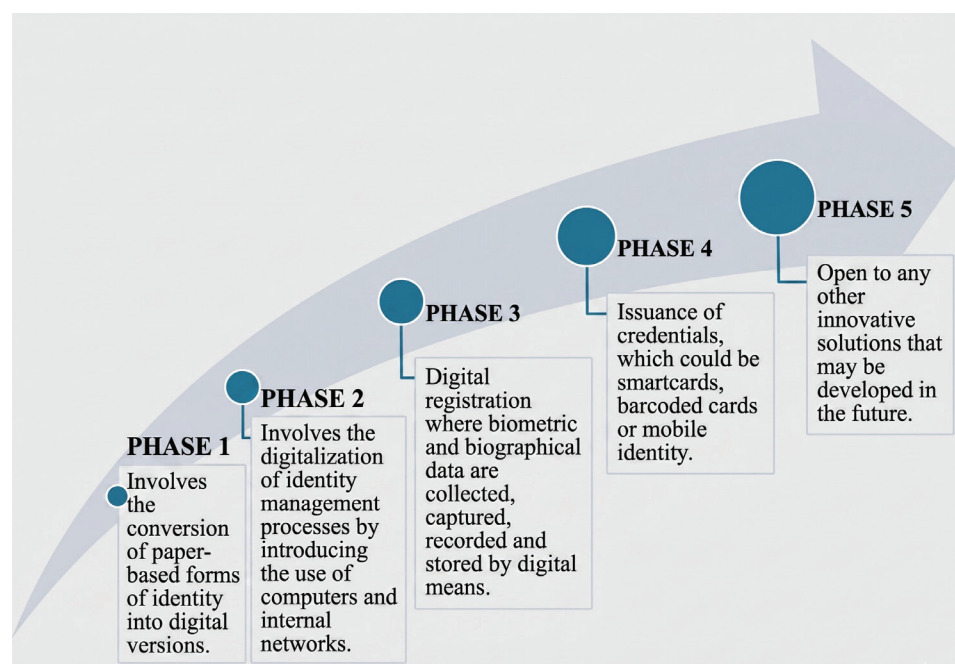
The regional approaches to statelessness in East Africa should therefore be evaluated on the basis of the best practice approaches to identification, prevention, reduction and protection measures outlined in previous paragraphs of the present report.

Digital legal identity

Digital ID systems refer to methods of identifying persons both offline and online through electronically recorded and stored identifiers, attributes and credentials, and the issuance of electronic ID documents containing unique numbers and features. Digital ID systems use digital technology throughout the identity life cycle, including for: data capture, validation, storage and transfer; credential management; and identity verification and authentication.³⁰

Digital ID systems have become popular around the world, and especially in Africa, owing to their advantages over traditional paper-based ID systems, namely, their ease, affordability and convenience. However, broader structural changes across the economies of African countries have also made digital ID systems inevitable. The increasing digitalization of economies, especially in the private sector, has provided impetus for the public sector to invest in digital infrastructure, especially to improve the delivery of government services. A more recent major catalyst for the adoption of digital ID systems was the 2020 coronavirus disease (COVID-19) pandemic, which accelerated the wider adoption of digital technologies as both a public health measure and an economic facilitation measure.

Figure 3: Digital identity spectrum



Source: Melody Musoni, Ennatu Domingo and Elvis Ogah, "Digital ID systems in Africa: challenges, risks and opportunities", Discussion Paper No. 360 (European Centre for Development Policy Management, 2023).

³⁰ Economic Commission for Africa, *Africa Digital Identity Landscape 2022* (Addis Ababa, 2023), pp. 5–6.

However, the approach to the adoption of digital ID has been varied across African countries. As demonstrated in figure 3, various countries have adopted different types of digital ID systems existing across a “digital ID continuum” that signals different levels of broader economic digitalization.

The implementation of digital ID systems has faced similar issues and challenges as those faced by analogue or paper-based national ID systems, including security, privacy and data protection concerns. These issues have, in fact, been amplified by the technological affordances underpinning the respective technological infrastructure used. For example, while paper-based national ID systems collect biometric data, digital ID systems collect a broader range of data types, such as 10 fingerprints and palm prints rather than 1 fingerprint, as well as facial biometrics, iris scans and voice biometrics rather than a paper-based photo. In addition, the adoption of sophisticated technological innovations, including blockchain for data storage, and data analytics, machine learning and artificial intelligence for facial and voice recognition, has increased the risks of cybercrimes, data breaches and State surveillance against data subjects.

It is in this context that the increased adoption of digital ID systems has also led to the formulation of specific guiding principles and recommendations for adopting digital IDs, while mirroring similar concerns about paper-based national ID systems.

- Legal and regulatory framework: digital ID systems should be anchored in a robust legal and regulatory framework that addresses various legal concerns, such as data privacy, cybersecurity, right of access to government services, right to a legal ID and protection of fundamental rights.
- Institutional framework: digital ID systems should have strong institutional frameworks, such as independent and well-resourced national ID authorities and data protection agencies to operationalize and govern the digital ID system.
- Social inclusion: digital ID systems should be inclusive, and the legal and regulatory frameworks (e.g. definition of persons eligible for national IDs), and the technical architecture (e.g. biometric requirements) and infrastructure should not exclude segments of the population from registering for legal ID.
- Technical interoperability: digital ID systems should be interoperable with regional and continental frameworks.
- Phased transitions: the country should adopt a phased approach towards setting up both analogue and digital legal ID systems to reduce exclusion of people or groups from the digital ID system.

Some of these guidelines and principles have been adopted in policy and legal instruments formulated by regional organizations in East Africa.

III. African Union

The African Union is a continental body consisting of the 55 member States that make up the countries of the African continent. It was officially launched in 2002 as a successor to the Organization of African Unity (1963–1999). The Constitutive Act of the African Union sets out the aims of the Union, which include: achieving greater unity and solidarity between African countries and their people; accelerating political and socioeconomic integration of the continent; promoting and protecting human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments; promoting peace, security and stability on the continent; and promoting sustainable development at the economic, social and cultural levels, as well as the integration of African economies.³¹

The African Union has adopted various policy and legal instruments mandating its member States to take legal, policy and programmatic actions on matters relating to migration, legal ID and nationality, statelessness and the digitalization of ID, as elaborated in table 1.

A. Continental legal and policy instruments

Table 1: African Union legal and policy instruments

	Legal or policy instrument	Year
1	Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa	1969
2	African Charter on Human and Peoples' Rights	1986
3	African Charter on the Rights and Welfare of the Child	1990
4	Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	1998
5	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	2003
6	African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)	2009
7	African Commission on Human and Peoples' Rights Resolution on the Right to Nationality (ACHPR/Res.234(LIII)2013)	2013
8	African Union Convention on Cross-Border Cooperation (Niamey Convention)	2014
9	Common African Position on the Global Compact for Safe, Orderly and Regular Migration	2017
10	Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Rights of Residence and Right of Establishment	2018
11	African Union Migration Policy Framework for Africa	2018
12	African Union Digital Transformation Strategy for Africa (2020–2030)	2020

³¹ African Union, Constitutive Act of the African Union (Lomé, 2000).

	Legal or policy instrument	Year
13	African Union Interoperability Framework for Digital ID	2022
14	Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa	2024
15	Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade	2024

Source: Compiled by the author.

1. Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa

The Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa outlines commitments by member States to protect and assist refugees.³² Important commitments include the following:

- **Definition of refugee:** The Convention expands the definition in the Convention relating to the Status of Refugees to include people fleeing external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of their country.
- **Non-refoulement:** It prohibits the expulsion or return of refugees to a territory where their life, physical integrity or freedom would be threatened.
- **Asylum:** It encourages States to grant asylum to refugees and to ensure their safety and fundamental rights.
- **International solidarity and burden-sharing:** It promotes cooperation among member States to support countries hosting large numbers of refugees.
- **Voluntary repatriation:** It supports the voluntary return of refugees to their home countries under conditions of safety and dignity.
- **Security considerations:** It obliges States to ensure that refugee camps and settlements do not pose a threat to the security of the host nation.

Article VI of the Convention provides specific obligations of member States in relation to the provision of travel documents, including mandating member States to issue to refugees lawfully staying in their territories travel documents in accordance with the Convention relating to the Status of Refugees. These legal obligations provide an important normative framework for cooperation by East African States in the provision and mutual recognition of legal ID to migrants, especially refugees, and the eradication of statelessness.

The Convention entered into force on 20 June 1974 and has since been ratified by 46 of the 55 States members of the African Union. Beyond State ratification,

³² Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa (Addis Ababa, 1969).

actual implementation of the Convention remains uneven among the signatory States. While many African countries have adopted refugee status determination procedures aligned with the Organization of African Unity definition in their statutes and regulations, many countries lack full legislative alignment. Practical implementation beyond incorporation into the national legal framework also remains a challenge, with many host States increasingly closing borders, restricting access to asylum, and using detention and deportation tactics contrary to the Convention. Regional cooperation remains slow; burden-sharing remains aspirational rather than operational, with limited transfer channels or financial assistance. While full national implementation and reporting was urged in the Addis Ababa Declaration of the Continental Commemorative Meeting on the Implementation and Supervision of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, issued in 2019, follow-through by States varies widely.³³

2. African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights³⁴ is an African regional human rights framework aimed at promoting and protecting the human rights and fundamental freedoms outlined in international legal instruments by guaranteeing certain human rights and fundamental freedoms for individuals, as well as certain rights for entire peoples. It was unanimously adopted at an Organization of African Unity Assembly of Heads of State and Government, held in Kenya on 27 June 1981.

The African Charter on Human and Peoples' Rights does not include a specific provision on the right to a nationality. However, the African Commission on Human and Peoples' Rights, which oversees the implementation of the African Charter, has found that article 5 of the Charter (which provides that “every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status”) includes the right to a nationality. This interpretation has been drawn from article 15 of the Universal Declaration on Human Rights, which provides that: (1) everyone has the right to a nationality; and (2) “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”.

The African Charter on Human and Peoples' Rights therefore provides a legal right against statelessness. The Charter entered into force on 21 October 1986, three months after ratification by a simple majority of Organization of African Unity States. Of the 55 African Union member States, 54 have acceded to the Charter, with Morocco being the exception. Most signatory States have incorporated the Charter's provisions into national constitutions, legal frameworks and policy reforms. However, countries differ in depth and consistency, with some countries legislating and implementing comprehensive freedom and equality provisions, while others offer more symbolic or partial compliance. Owing to a lack of explicit provisions on rights to nationality and against statelessness, the Charter has been augmented by subsequent protocols that have made explicit provisions on these issues.

³³ African Union, Addis Ababa Declaration of The Continental Commemorative Meeting on The Implementation and Supervision of the 1969 OAU Refugee Convention (Addis Ababa, 20 June 2019).

³⁴ Organization of African Unity, African Charter on Human and Peoples' Rights (1981).

3. African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child was adopted by the Organization of African Unity Assembly of Heads of State and Government in July 1990. As a continent-specific instrument, the Charter addresses issues faced specifically by children in Africa. Article 6 of the Charter provides that every child shall have the right from birth to a name, to be registered immediately after birth and to acquire a nationality. It further provides that States parties to the Charter shall “undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child’s birth, he is not granted nationality by any other State in accordance with its laws”.³⁵ The right to nationality has been asserted by the African Court on Human and Peoples’ Rights (hereafter referred to as the African Court) in various cases, including *Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative (on behalf of Children of Nubian Descent in Kenya) v. the Government of Kenya*.

The Charter entered into force in November 1999. As of 2025, 51 of the 55 African Union member States have ratified the Charter, with Morocco, Somalia, South Sudan and Tunisia as non-ratifiers. Some signatories have entered reservations to certain provisions of the Charter, but none refers to article 6. While most States have constitutional or legislative provisions reflecting the Charter’s article 6 rights, some countries lack full alignment. In addition, the member States have not fully complied with the decisions of the African Committee of Experts on the Rights and Welfare of the Child, which is mandated to monitor and enforce the implementation of the provisions of the Charter.³⁶

4. Protocol to the African Charter Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights

The Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of the African Court on Human and Peoples’ Rights establishes the African Court on Human and Peoples’ Rights. The Court is designed to complement the African Commission on Human and Peoples’ Rights, and it has jurisdiction over cases and disputes related to the African Charter, its Protocol and other relevant human rights instruments. The Protocol also allows the Court to provide advisory opinions on legal matters related to the Charter and other human rights instruments.³⁷

While there are no specific provisions on the right to nationality, article 3(1) of the Protocol and Rule 29 (1) and (2) of the Court are relevant to that right as they set the material jurisdiction of the Court on matters covered by regional and international human rights instruments. The African Court on Human and Peoples’ Rights has

³⁵ African Union, African Charter on the Rights and Welfare of the Child (Addis Ababa, 1990).

³⁶ African Committee of Experts on the Rights and Welfare of the Child, Study on the Implementation of Decisions of the African Committee of Experts on the Rights and Welfare of the Child (2023).

³⁷ African Union, Protocol to the African Charter Human and Peoples’ Rights on the Establishment of the African Court on Human and Peoples’ Rights (1998).

since asserted the right to nationality in various cases, including *Anudo Ochieng Anudo v. United Republic of Tanzania*.³⁸

The Protocol entered into force on 25 January 2004 after 15 member State ratifications, and had, as of 2023, been ratified by only 34 of the 55 African Union member States. However, only eight member States (Burkina Faso, the Gambia, Ghana, Guinea-Bissau, Malawi, Mali, the Niger and Tunisia) have made an article 34(6) declaration recognizing the African Court's jurisdiction under article 5(3) to accept applications by individuals and non-governmental organizations. In addition, four other countries have withdrawn their declarations recognizing the Court's jurisdiction: Rwanda (in 2016), the United Republic of Tanzania (2019), Benin (2020) and Côte d'Ivoire (2020).³⁹ This has undermined the ability of individuals and groups to use the Court to enforce the rights to nationality.

5. Protocol to the African Charter on Human and Peoples' Rights on the Right of Women in Africa

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was adopted by the African Union Assembly of Heads of States and Government on 11 July 2003.⁴⁰ The African Union adopted the Protocol to supplement the African Charter on Human and Peoples' Rights by providing more comprehensive and specific protections for women's rights not included in the Charter.

Article 6 of the Protocol provides that a woman shall have the right to retain her nationality or to acquire the nationality of her husband. It also provides that a woman and a man shall have equal rights with respect to the nationality of their children, except where this is contrary to a provision in national legislation or is contrary to national security interests

The Protocol came into force on 25 November 2005. As of September 2023, 44 of the 55 African Union member States had ratified it, with the following 11 countries having not ratified: Botswana, Burundi, the Central African Republic, Chad, Egypt, Eritrea, Madagascar, Morocco, the Niger, Somalia and the Sudan. While many of the ratifying member States have integrated the provisions of the Protocol into their respective national laws, this process has been uneven. For example, some States have filed reservations against nationality transfers, undermining the right to nationality under article 6.⁴¹

38 African Court on Human and Peoples' Rights, *Anudo Ochieng Anudo v. United Republic of Tanzania*, Application No. 012/2015, Judgment, 22 March 2018.

39 Ségnonna Horace Adjolohoun and Paul Nantulya, "Why the African Court on Human and Peoples' Rights Matters", Africa Center for Strategic Studies, 10 February 2025) Available at: <https://africacenter.org/spotlight/african-court-on-human-and-peoples-rights/> (accessed on 23 July 2025).

40 African Union, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).

41 Benyam Dawit Mezmur and Charissa Fawole, "From the Margins to the Mainstream?: Bridging the Scholarship Gap on Statelessness in Africa", *African Human Mobility Review*, vol. 8, No. 3 (September-December 2022).

6. African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

The objectives of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) include providing the legal framework for, and strengthening, regional and national measures to prevent or mitigate, prohibit and eliminate the root causes of internal displacement, as well as provide for durable solutions

The Convention also outlines several commitments for member States aimed at addressing internal displacement. These include: preventing arbitrary displacement; protecting and assisting internally displaced persons; and ensuring that their basic rights and needs are met. States are also required to integrate the Convention's principles into their national laws and policies, provide the necessary resources for its implementation and facilitate the work of humanitarian organizations.⁴²

Article XIII of the Convention outlines State obligations in relation to registration and personal documentation, including the following:

- Creating and maintaining an up-to-date register of all internally displaced persons within their jurisdiction or effective control, and collaborating with international organizations or humanitarian agencies or civil society organizations in doing so.
- Ensuring that internally displaced persons shall be issued with relevant documents necessary for the enjoyment and exercise of their rights, such as passports, personal ID documents, civil certificates, birth certificates and marriage certificates.
- Facilitating the issuance of new documents or the replacement of documents lost or destroyed in the course of displacement, without imposing unreasonable conditions, such as requiring return to one's area of habitual residence in order to obtain these or other required documents.
- Women and men, as well as separated and unaccompanied children, shall have equal rights to obtain such necessary ID documents and shall have the right to have such documentation issued in their own names.

The Kampala Convention entered into force on 6 December 2012. As of July 2024, only 34 of the 55 African Union member States had ratified the Convention; 14 States remain non-parties to the Convention. The level of incorporation of the Convention into national law remains varied, with only some countries adopting laws on internally displaced persons aligned with the Convention. In addition, despite such incorporation, actual implementation, such as through legal enforcement and the provision of assistance to the internally displaced persons, remains low.

⁴² African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009).

7. African Commission on Human and Peoples' Rights Resolution on the Right to Nationality (ACHPR/Res.234(LIII)2013)

The African Commission on Human and Peoples' Rights (the Commission) is a quasi-judicial body established under article 30 of the African Charter on Human and Peoples' Rights to promote human and people's rights and ensure their protection throughout Africa. The Commission became operational in 1987, and is supported by a Secretariat based at the African Court's seat in Banjul, the Gambia. It was inaugurated on 12 June 1989.

The Commission, meeting at its 53rd Ordinary Session, held from 9 to 23 April 2013, adopted Resolution 234⁴³ in Banjul, in which it calls on African States to:

- a) Refrain from taking discriminatory nationality measures and to repeal laws which deny or deprive persons of their nationality on grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status, especially if such measures and laws render a person stateless;
- b) Observe minimum procedural standards so that decisions concerning the recognition, acquisition, deprivation or change of nationality do not contain any elements of arbitrariness and are subject to review by an impartial tribunal in accordance with their obligations under article 7 of the African Charter;
- c) Adopt and implement provision in their constitutional and other legislation with a view to preventing and reducing statelessness, consistent with fundamental principles of international law and article 6 of the African Charter on the Rights and Welfare of the Child.

8. African Union Convention on Cross-Border Cooperation (Niamey Convention)

The African Union Convention on Cross-Border Cooperation (Niamey Convention), adopted by the Twenty-Third Ordinary Session of the Assembly, held in Malabo, Equatorial Guinea, on 27 June 2014, enjoins the Union to facilitate the resolution of border disputes and ensure efficient and integrated border management. This is amplified in the African Union Strategy for a Better Integrated Border Governance, which calls on member States to “use borders as vectors to promote peace, security and stability, and to improve and accelerate integration through effective governance of borders while facilitating easy movement of people, goods, services and capital among [African Union] Member States.”⁴⁴

The main provisions of the Convention that relate to border management, migration governance, statelessness and legal ID include:

- a) Article 4, which requires member States to solve any legal, administrative, security, cultural and technical impediments to cross-border cooperation;

⁴³ African Union, Resolution on the Right to Nationality (ACHPR/Res.234(LIII)2013) (2013).

⁴⁴ African Union, African Union Strategy for a better integrated border governance (Addis Ababa, 2020), p. 4.

- b) Article 5, which requires sharing of information and intelligence for performance of Convention obligations related to border management;
- c) Articles 7 and 8, which require the harmonization of national laws of States parties pertaining to border issues, training of national border authorities, and establish State-State cooperation mechanisms through the authorities of neighbouring States parties;
- d) Articles 9 and 10, which require the establishment of mechanisms for cross-border cooperation with regional economic communities and the African Union at the continental level;
- e) Article 11, which requires the establishment of a Border Programme Fund;
- f) Article 13, which concerns the settlement of disputes.

The Niamey Convention has not entered into force, since as of July 2024 it had not achieved ratification by 15 States parties. Only 11 African Union members have so far ratified the Convention. This non-entry into force has undermined the level of cooperation on border governance between African Union member States, which remains low. This has consequently undermined the ability of African Union member States to implement their legal obligations relating to migration governance, eradication of statelessness and provision of legal ID.

9. African Union Common African Position on the Global Compact for Safe, Orderly and Regulatory Migration

The Common African Position on the Global Compact for Safe, Orderly and Regulatory Migration notes that the protection of all migrants, and especially vulnerable groups, requires comprehensive and complementing human rights frameworks, as provided by international and regional policy and legal frameworks. It therefore calls for the inclusion of migrants in the host countries' identification and documentation systems to be ensured to increase their recognition and provide access to basic services.⁴⁵

10. Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment

The Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment was adopted by the African Union Assembly of Heads of States and Government, held in Addis Ababa in January 2018. The Protocol is anchored by the principles of economic integration expressed in the Treaty Establishing the African Economic Community (Abuja Treaty), as well as the continent's shared values, unity and solidarity. The objective of the Protocol is to facilitate the implementation of the

⁴⁵ African Union, Common African Position (CAP) on the Global Compact for Safe, Orderly and Regulatory Migration (AU/STC/MRIDP/4(II)) (2017).

Abuja Treaty by providing for the progressive implementation of free movement of persons, right of residence and right of establishment in Africa.⁴⁶

The specific commitments under this Protocol include the following:

- Free movement of persons: citizens of member States can enter, stay and move freely within the territory of other member States without a visa for up to 90 days.
- Right of residence: citizens can reside in another member State for such purposes as employment or study, subject to the host State's laws.
- Right of establishment: citizens have the right to establish and manage economic activities in another member State under the same conditions as nationals of that State.

Specific provisions relevant to the provision of legal IDs for migrants include article 9 on travel documents, which requires member States to: issue to their nationals valid travel documents to facilitate free movement; mutually recognize and exchange specimens of the valid travel documents issued by the member State; and cooperate in the process of identification and issuance of travel documents.

Article 10 of the Protocol also makes provision for an African passport and requires States parties to adopt a travel document called an "African Passport" and work closely with the Commission to facilitate the processes towards the issuance of this passport to their citizens. It also requires the Commission to provide technical support to member States to enable them produce and issue the African passport to their citizens. It also requires the African passport to be based on international, continental and national policy provisions and standards and on a continental design and specifications.

Article 24 of the Protocol also makes special provision for the movement of specific groups, such as refugees, by providing for States parties to establish specific procedures for the movement of specific vulnerable groups, including refugees, victims of trafficking in persons and smuggled migrants, asylum-seekers and pastoralists, in addition to the measures provided for by international, regional and continental instruments. It also requires States to establish procedures consistent with their obligations under the international, regional and continental instruments relating to the protection of each group of persons referred to in the article.

Articles 25 and 26 of the Protocol also make provision for cooperation between member States, and for coordination and harmonization of their laws, policies, systems and activities in relation to the free movement of persons within the African Economic Community. Article 25, for example, requires States parties to: coordinate their border management systems; record, document and, upon request, make available all forms of aggregated migration data at the ports or points of entry or exit from their territory; and cooperate with each other by exchanging information related to the free movement of persons through bilateral and regional arrangements. Article 26 requires States parties to harmonize and coordinate their regional economic

⁴⁶ African Union, Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Rights of Establishment (2018).

community's laws, policies, systems and activities relating to the free movement of persons with those of the African Union.

The Protocol has not entered into force because, as of July 2024, it has not achieved ratification by 15 States parties as required under article 33(1). Only 4 of the 55 African Union member States (Mali, the Niger, Rwanda and Sao Tome and Principe) have so far ratified the Convention. This has undermined the implementation of the Protocol, which has been scheduled to occur in three phases, with the target date for phase 1, that is, the removal of entry restrictions by States parties, set for 2023. As of 2024, only three countries (Benin, the Gambia and Seychelles) had offered visa-free entry to citizens of African Union member States. However, there is an increasing number of African countries offering an e-visa entry option and visas on arrival.⁴⁷ The lack of entry into force has therefore undermined the Protocol objectives.

11. African Union Migration Policy Framework for Africa and Plan of Action (2018–2030)

On better migration governance (considered the overarching objective of the Policy Framework), the African Union has recommended various strategies for facilitating safe, orderly and dignified migration, by:

- a) Providing opportunities for regular migration, long-term residency and citizenship and efficient and affordable migration services;
- b) Implementing sound civil registry systems, including birth registration, ID documents and travel documents;
- c) Countering health and security risks, such as the spread of diseases, through the necessary cross-border health checks and public health strategies;
- d) Detecting and preventing irregular migration, including transnational crime, such as smuggling and trafficking, by ensuring the necessary cooperation between border agencies and national and international justice and security agencies and the sharing of information;
- e) Harmonizing migration laws and policies across the regions to ensure effective migration governance.

Also recognized in the Policy Framework is the rise of irregular migration, characterized by trafficking in persons, and strategies are recommended for the protection of migrants, especially women and children, in the promotion of migrants' human rights, regular migration and security. The Framework therefore proposes strategies to "prevent the exploitation of women and girls in line with international human rights law, norms and standards, recognising the increased risk of trafficking that women and girls face due to economic factors, conflict, post-conflict contexts and natural disasters, and when they lack nationality and identity documents."⁴⁸

⁴⁷ International Organization for Migration, Africa Migration Report (Second edition) (Geneva, 2024).

⁴⁸ African Union, Migration Policy Framework for African and Plan of Action (2018–2030) (Addis Ababa, 2018),

The Policy Framework also addresses the issue of the return, readmission and reintegration of migrants. It contains recommendations of specific strategies for member States to deal with this issue by creating standards and procedures, on the basis of law and policy, for the return, readmission and reintegration of excludable migrants in line with relevant international legal instruments:

- Other States shall accept the return and readmission of any of their nationals who are illegally present on the territory of an African State, at that State's request.
- Each of the African States shall accept the return and readmission of any of their nationals who are illegally present on the territory of another State, at that member State's request. The member States will provide their nationals with appropriate ID documents for such purposes.

In relation to forced displacement, especially in relation to refugees and asylum-seekers, the Policy Framework recommends:

- a) the implementation of protection obligations arising out of the relevant treaties, including the principle of non-refoulement, registration and issuance of ID documents, access to work and education opportunities, and treatment according to minimum humanitarian standards;
- b) ensuring that refugees and asylum-seekers are registered and issued with appropriate ID documents, so that their status can be easily identified in their dealings with public authorities and private institutions, such as banks, employer organizations, housing or estate agencies and other institutions, that require ID.

On stateless persons, the Policy Framework acknowledges the right to a nationality as a fundamental right recognized under international law, and also the State duty under target 16.9 of the Sustainable Development Goals to provide legal ID to all, including birth registration. It recommends:

- a) incorporating important guidelines into national legal frameworks and policies, as recommended in the African Union Protocol on Stateless Persons, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;
- b) recognizing the vulnerabilities of women and girls rendered stateless through changes to national borders, definitions of citizenship, laws that do not extend citizenship to migrants or children born to women with an irregular status, among other factors;
- c) ensuring the protection of stateless children and observing the best interests of the child;
- d) developing national legislative and policy frameworks to counter statelessness, in particular in the case of long-term residents, by reforming

citizenship legislation or granting rights similar to those enjoyed by foreigners residing in the State;

- e) enhancing birth registration to address statelessness;
- f) ensuring that everyone, including migrants, is able to acquire, change, retain and confer his or her nationality, and that such a right is reflected in nationality laws.

12. African Union Digital Transformation Strategy for Africa

The overall objective of the African Union Digital Transformation Strategy for Africa is to harness digital technologies and innovation to transform African societies and economies to promote the continent's economic integration, generate inclusive economic growth, stimulate job creation and break the digital divide, eradicate poverty for the continent's socioeconomic development and ensure access to modern digital management tools.⁴⁹

One of the Strategy's specific objectives for supporting and achieving the overall objective is for "99.9% of people in Africa to have a digital legal identity as part of a civil registration process by 2030".⁵⁰ The Strategy recognizes the benefits of digital ID as cutting across not only the entire spectrum of the social and economic domains, but also human rights, and therefore forming a crucial mechanism for achieving the United Nations agenda of legal ID for all, the Sustainable Development Goals, and the African Union Agenda 2063: The Africa We Want. The Strategy further recognizes the ability of digital ID to form the basis of a foundational ID as part of civil registration and as a basis on which other functional elements, such as national ID, refugee ID and non-resident ID, can be "stacked" or built.

To achieve these digital identification objectives, the Strategy recommends legal and regulatory frameworks, and technological architectures and designs that ensure inclusion, security, privacy and data ownership by individuals, and African data sovereignty in digital ID systems. In addition, the Strategy also recommends regulatory systems and policies, and technology standards that support the interoperability and neutrality of digital ID systems.

13. African Union Interoperability Framework for Digital ID

The African Union Interoperability Framework for Digital ID articulates a vision in which all African citizens in Africa can easily and securely gain access to the services that they need, when they need them, from both public and private sector providers, which will encourage inclusive and meaningful participation in the wider digital economy and society, and allow services to operate with greater trust and certainty.⁵¹

⁴⁹ African Union, The Digital Transformation Strategy for Africa (2020–2030) (Addis Ababa, 2020).

⁵⁰ Ibid.

⁵¹ African Union, AU Interoperability Framework for Digital ID (Addis Ababa, 2022).

The Framework advances this vision by defining common requirements, minimum standards, norms, governance mechanisms and the alignment of legal frameworks, with the objectives of:

- a) Allowing all African citizens to verify their legal ID offline and online to gain access to public and private sector services in all participating African Union member States;
- b) Empowering all African citizens with control over their personal data, including the ability to selectively disclose only those attributes that are required for a particular transaction;
- c) Strengthening trust and interoperability among foundational ID systems of African Union member States.

The Framework does not call for the creation of a unified continental digital ID system, but rather provides a foundation for interoperability between the existing digital ID systems of African Union member States that takes into consideration:

- a) the digital sovereignty of African Union member States;
- b) the differences in the digital infrastructure roll-out;
- c) the availability of associated policies and regulations;
- d) the different types of ID systems;
- e) the vulnerability of populations during and after the implementation of digital ID systems.

14. African Union Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa

On 17 February 2024, the thirty-seventh ordinary session of the Assembly of Heads of State and Government of the African Union formally adopted the Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa (Statelessness Protocol).⁵²

The Protocol is aimed at providing solutions to legal barriers that will ensure that stateless people and those at risk of statelessness can exercise their right to a nationality and, in turn, have better access to fundamental human rights, as well as such national services as health, education and formal employment. The objectives of the Statelessness Protocol are to: (a) promote, protect and ensure respect for the right to a nationality in Africa; (b) ensure that statelessness is prevented and eradicated; (c) determine the general principles for the prevention, the elimination of the risk of and eradication of statelessness in Africa; and (d) promote the aspirations of the African people for an African citizenship. The

⁵² African Union, Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa (2024).

Protocol also asserts: (a) the individual right to a nationality; (b) the right against arbitrary deprivation of a nationality and the right to change nationality; (c) member State obligations to eradicate statelessness and protect the right to a nationality; and (d) in cases relating to the nationality of a child, the need to uphold the child's best interests.

As of February 2024, no African Union member State had ratified the Protocol.

15. Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade

In February 2024, States parties to the African Continental Free Trade Area adopted the Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade (Digital Trade Protocol), the objective of which is to support the attainment of the objectives of the Free Trade Area by establishing harmonized rules and common principles and standards that enable and support digital trade for sustainable and inclusive socioeconomic development and the digital transformation of the continent.⁵³

Article 14 of the Protocol requires States parties to adopt or maintain digital ID regimes for both natural and juridical persons. It also mandates States parties to develop an annex on digital identities to foster interoperability between their respective digital ID systems, while bearing in mind: the promotion of technical interoperability; the development of comparable protection of digital IDs afforded by each State party's national legal frameworks; the adoption of mutual recognition of digital ID systems; and the exchange of knowledge and expertise on best practices relating to digital ID policies and regulations, technical implementation and security standards, and user adoption.

B. Continental legal identity initiatives

1. African Union Passport

At its Twenty-Seventh Heads of State Summit in Kigali in July 2016, the African Union launched the African Union Passport. Through this Agenda 2063 flagship project, (the African Passport and Free Movement of People), the African Union aims to remove restrictions on Africans' ability to travel, work and live within their own continent. The initiative is aimed at transforming the laws of African countries, which remain generally restrictive on the movement of people despite political commitments to bring down borders with the view to promoting the issuance of visas by member States to enhance the free movement of all African citizens in all African countries.

⁵³ African Union, Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade (2024).

2. Economic Commission for Africa-African Union Commission Digital ID Program

ECA has established the Digital Centre of Excellence for digital identity, trade and economy to work with the African Union Commission, regional economic communities and member countries to champion the Digital Identity, Digital Trade and Digital Economy initiative. The objective for the establishment of the Centre is to provide technical inputs to the discourse on digital ID on the continent, define and shape standards for digital ID in Africa, and provide capacity development for African countries and regional economic communities on digital ID. The Centre will work closely with the African Union Commission and undertake consultation with stakeholders (regional economic communities, member States and the private sector) on digital ID, country diagnostic assessments, research and capacity-building to continental and regional bodies, as well as member countries.

3. Digital Identity, Digital Trade and Digital Economy initiative

ECA is working with the African Union Commission on a Digital Identity, Digital Trade and Digital Economy initiative to support member countries to fully harness their digital potential, and exploit the benefits of digitalization for the continent's development. This work is being conducted in tandem with the United Nations-World Bank joint initiative on the United Nations Legal Identity Agenda, and in collaboration with partners including the Omidyar Network, the Rockefeller Foundation and the World Bank. The work builds on ongoing work on the continent, including the strengthening of civil registration and vital statistics systems and the fostering of a vibrant and inclusive digital economy.

C. Progress, challenges and recommendations

1. On migration governance, legal identity and statelessness

a. Progress and opportunities

The African Union has provided leadership in the development and articulation of the rights to legal ID and a nationality, and have also articulated a vision for adopting digital ID across the continent and cooperation in border management, as demonstrated in the legal and policy frameworks outlined and discussed in previous sections.

b. Challenges

However, these efforts are undermined by a number of challenges:

- There are low levels of ratification of the African Union legal frameworks, such as the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment, with member States citing potential security risks and threats to their related national public policies, including on social development, health and security.

- The African Union has not succeeded in establishing an integrated border management system.
- Most African Union member States still have poor legal ID management systems.
- The African Union and most of its member States lack sufficient capacity and resources to implement integrated border management systems, thereby making the project a security risk.

c. Recommendations

To address the challenges outlined in the previous sections, the following recommendations should be considered by the African Union:

- Promote the accession to international law and African Union legal frameworks of African Union member States that have yet to accede to these legal instruments. This is especially important for African Union legal instruments that require certain accession thresholds to be met for the legal instruments to enter into force.
- Promote the harmonization of member States' national laws and policies relating to migration, legal ID, digitalization and statelessness, either through the adoption of African Union policy and legal frameworks, or, where these are in place, the promotion of their incorporation into national legal frameworks.
- Promote closer cooperation between the African Union and other African intergovernmental organizations, as well as among those organizations, in establishing integrated border management infrastructure and exchanging information.
- Establish well-resourced regional agencies to exchange information and coordinate adjudication procedures for border management, and the recognition and verification of ID, establishing nationality for stateless persons and spearheading the digitalization of ID.
- Pool resources to establish interoperable continental technological and other infrastructure for the operationalization and enforcement of laws, policies and programmes relating to integrated border management, legal ID, ID digitalization and statelessness.

2. On the digitalization of legal identity and related infrastructure

a. Progress and opportunities

- According to the African Union, 85 per cent of African countries have national ID systems underpinned by an electronic database, despite relying on paper-based civil registers and processes, and offering limited utility for service delivery. In addition, more than 70 per cent of African countries collect biometric data at the time of registration, to ensure the uniqueness of IDs.

- The African Union has issued several instruments and guidelines that provide a continental framework for the continental digitalization of legal ID and related migration infrastructure. These include the African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention), the Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade, the African Union Data Policy Framework, the Digital Transformation Strategy for Africa (2020–2030) and the African Union Interoperability Framework for Digital ID. These frameworks address some of the risks and challenges of digitalization of ID.
- The Malabo Convention came into force in June 2023, with 15 signatories.
- As of 2024, at least 37 out of the 55 African Union member States have enacted personal data protection laws while 29 member States have established data protection authorities, thereby providing a critical mass of countries to implement continent-wide digital ID ecosystems and migration data-sharing.

b. Challenges

- Most African Union member States have not incorporated into national legislation or implemented the African Union policy and legal frameworks on digital ID.
- For the member States that have done so in some cases, an additional challenge is that the national legal and policy frameworks are not sufficiently robust. For example, most of the existing data protection laws in the 37 African Union member States that have enacted them have weak safeguards against State access to personal data, and lack clarity, creating room for ambiguity, misinterpretation and abuse.
- Other challenges to national legal frameworks include weak and outdated institutional and governance structures that are not appropriate for digital ID systems, such as structures that are lacking independent oversight and redress mechanisms. This increases the risk of State surveillance using digital ID data, such as biometrics.
- Most of the African Union member States lack sufficient resources, capacity, skills and technology to establish digital ID systems.

c. Recommendations

To address the challenges outlined in the previous sections, the following recommendations should be considered by the African Union:

- Promote the accession by African Union member States to international law and African Union legal frameworks required for continental and national digital ID initiatives.
- Promote the harmonization of member States' national laws and policies relating to digital ID by adopting continental frameworks, or, where

these are in place, promoting the incorporation of these frameworks into national legislation. These include laws on data protection, cybersecurity and human rights.

- Promote closer cooperation between the African Union and other African intergovernmental organizations, and also among those organizations, to establish integrated digital ID ecosystems underpinned by mutual recognition.
- Establish well-resourced continental agencies to assist African Union member States in implementing digital ID systems. For example, an African Union technical committee on digital ID could develop minimum standards on technical, operational and legal requirements relating to biometrics, smart ID cards, barcodes, digital signatures or a continental digital wallet, to complement the African Union Interoperability Framework for Digital ID.⁵⁴
- Pool resources to establish interoperable, continental, technological and other infrastructure for the operationalization of digital ID systems.

⁵⁴ Melody Musoni, Ennatu Domingo and Elvis Ogah, "Digital ID systems in Africa: Challenges, risks and opportunities", Discussion Paper No. 360 (European Centre for Development Policy Management, 2023).

IV. Intergovernmental Authority on Development

The Intergovernmental Authority on Development (IGAD) is one of the eight regional economic communities recognized by the African Union to spearhead intergovernmental organizations that will form the bedrock of the African Economic Community and, specifically, the African Continental Free Trade Area. Its membership includes seven countries: Djibouti, Ethiopia, Eritrea, Kenya, Somalia, South Sudan and Uganda. The Sudan suspended its membership in 2024.

The number of international migrants within the IGAD area of activity increased from 3.1 million in 2010 to 6.5 million in 2019, marking a 110.2 per cent increase. The number of migrant workers within the IGAD area of activity also increased from 1.59 million in 2010 to 3.39 million in 2019.⁵⁵ Migration and forced displacement in the IGAD area of activity are driven by many factors, including conflicts, environmental degradation, disasters, poverty and economic factors. Since most migrants remain within the IGAD area of activity, all member countries are places of origin, transit and destination for migrants.

A. Legal and policy instruments

IGAD has adopted a number of treaty, political, policy and programmatic commitments aimed at addressing border governance, legal identity and statelessness issues within the subregion. Key commitments are outlined in Table 2 below.

Table 2: Intergovernmental Authority on Development legal and policy instruments

	Intergovernmental Authority on Development legal/policy instrument	Year
1	Agreement Establishing the Inter-Governmental Authority on Development (IGAD)	1996
2	IGAD Regional Migration Policy Framework	2012
3	Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia	2017
4	Djibouti Declaration on refugee education	2017
5	Declaration of the 10th IGAD Health Ministerial Committee Meeting on Refugee and Other Cross Border Health Programs	2018
6	Kampala Declaration on Jobs, Livelihoods and Self-Reliance for Refugees, Returnees and Host Communities in the IGAD Region	2019
7	Protocol on Free Movement of Persons in the IGAD Region	2020
8	IGAD Regional Strategy 2021–2025	2020
9	IGAD Digitalization Roadmap 2021–2025	2020
10	IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa	2023
11	IGAD Policy Framework on Refugee Protection	2023

Source: Compiled by the author.

⁵⁵ IGAD, IGAD Migration Statistics Report, p. 3.

1. Agreement Establishing the Inter-Governmental Authority on Development

Article 13A(s) of the Agreement Establishing the Inter-Governmental Authority on Development provides that one of the main areas of cooperation in the IGAD area of activity is to “facilitate repatriation and reintegration of refugees, returnees and displaced persons and demobilized soldiers in cooperation with relevant governmental and non-governmental organizations in accordance with the existing national, regional and international instruments.”⁵⁶

Article 13A(s) laid the foundation for regional cooperation on refugee repatriation, the reintegration of displaced persons and returnees, and coordination with partners in line with international instruments. IGAD has progressively built a legal and policy architecture that advances good migration governance, including the Regional Migration Policy Framework, the Protocol on Free Movement of Persons in the IGAD Region, the Policy Framework on Refugee Protection and landmark political commitments, such as the Nairobi Declaration, the Kampala Declaration and the Djibouti Declaration. These initiatives, alongside the convening of national dialogues, regional consultations and multi-stakeholder platforms by the intergovernmental organizations, have strengthened policy coherence, stakeholder engagement and data-driven approaches to migration governance.⁵⁷

Despite these achievements, the role of IGAD has remained primarily normative and convening, rather than operational. The implementation of repatriation and reintegration initiatives is still largely dependent on member States and international partners. Declarations adopted under the organization’s framework are non-binding, and it faces such structural challenges as limited institutional capacity, funding constraints and political fragmentation among member States. This has meant that while it has facilitated important dialogue and frameworks, IGAD has not been able to deliver or enforce durable solutions on the ground in a consistent or binding manner.

On statelessness and legal ID, progress has been even more limited. While IGAD work on migration statistics, displacement data and governance platforms indirectly contributes to better planning, there are no dedicated regional initiatives specifically targeted at the eradication of statelessness, civil registration or the issuance of legal ID documents for refugees, returnees or displaced persons. As of 2025, the contribution of IGAD under article 13A(s) has been strongest in building consensus and regional frameworks for good migration governance, but weak in operationalizing mechanisms for addressing statelessness and promoting legal ID, important areas that remain gaps in the implementation of its mandate.

⁵⁶ Jeremy I. Levitt, “Agreement Establishing the Inter-Governmental Authority on Development (IGAD)”, in *Africa: Selected Documents on Constitutive, Conflict and Security, Humanitarian, and Judicial Issues* (Brill, 2003).

⁵⁷ Frank Ahimbisibwe and Cedric M. Nkiko, “IGAD and forced migration response in the Horn of Africa”, IOB Working Papers 2023.05, Institute of Development Policy (Antwerp, University of Antwerp, Institute of Development Policy (IOB), 2023).

2. Regional Migration Policy Framework

On forced displacement, the Regional Migration Policy Framework recognizes hosting and protecting refugees as, first, an imperative in African tradition and, second, a central aspect of international, regional and national obligations.⁵⁸

On legal ID for refugees and other migrants, the Policy Framework recommends the “effective national implementation of protection obligations arising out of the relevant treaties, the principle of non-refoulement, registration and issuance of identity documents, access to work and education opportunities, treatment according to minimum humanitarian standards, through incorporation into national legislation and policy”.⁵⁹

The Policy Framework also calls for IGAD members to “ensure that refugees and asylum seekers are registered and issued with appropriate identity documents for easy recognition of their status and to verify their eligibility for services provided by public authorities and private institutions (schools, health clinics, banks, employer organizations, housing/estate agencies and other institutions) that [require] identification of clients.”⁶⁰ The policy framework also calls for IGAD members to strengthen cooperation between member States, and also between IGAD and other regional economic communities and third countries with regard to the treatment and status of refugees.⁶¹

The Policy Framework recommends the development of national legislative and policy frameworks to counter statelessness, especially for long-term residents, by reforming citizenship legislation or granting rights regulations similar to those enjoyed by foreigners residing in the country.⁶²

The Policy Framework recommends improving the capacities of border management mechanisms and personnel to embrace new border management technologies that improve the security of electronically verifiable travel documents to conform with international norms. It also recommends the upgrading of inspection, data collection and communication systems, and the provision of technical training for border post personnel.

The Policy Framework set out ambitious goals to strengthen migration governance, protect refugees, prevent statelessness and promote legal ID. To operationalize this, IGAD developed a Migration Action Plan (2015–2020), and since then, elements of the Policy Framework have been reaffirmed in later declarations, such as the Kampala Declaration and the IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa, reflecting the continued relevance of the Policy Framework to the region's migration governance agenda.

As of 2025, progress has been uneven. On migration governance, IGAD has succeeded in embedding many of the Framework's principles into regional policy discussions and consultative processes, improving policy coherence and data

⁵⁸ IGAD, IGAD Regional Migration Policy Framework (2012).

⁵⁹ Ibid, p. 37.

⁶⁰ Ibid, p. 38.

⁶¹ Ibid, p. 38.

⁶² Ibid, p. 42.

use. Some member States have incorporated certain aspects of the Framework into national legislation, in particular on refugee documentation and access to livelihoods. On legal ID, there has been some progress at the national level, such as the establishment of the National Identification and Registration Authority of Somalia in 2023, although implementation is fragmented and contested. On statelessness, however, the Framework's recommendations have not been translated into significant action; there are no documented regional or national reforms directly linked to the Framework's commitments in this area.

Implementation gaps stem from structural and political constraints. The Framework and its Action Plan are non-binding, leaving member States free to adopt or delay commitments selectively. Monitoring and reporting have been weak, especially since 2020, limiting accountability and assessment of progress. The Authority itself operates mainly as a convener rather than an implementing body, with limited resources to drive uniform enforcement. Diverging national priorities and political fragmentation, in particular with regard to such sensitive issues as citizenship and ID documentation, further constrain regional harmonization. As a result, while the Policy Framework has provided a strong normative foundation, its ambitious goals on refugee protection, legal ID and the eradication of statelessness remain only partially achieved.

3. Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia

The Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia was a landmark commitment by IGAD to a regional and comprehensive response to one of the longest protracted refugee crises in Africa. Its objectives included maintaining asylum space and refugee protection in host countries, promoting socioeconomic inclusion and self-reliance, and creating enabling conditions for safe and voluntary return and reintegration in Somalia. Crucially, it called on member States to align their national laws and policies with international refugee standards, prioritize civil registration and documentation for refugees and returnees, and strengthen cooperation among host countries and Somalia to ensure durable solutions.⁶³ Migration governance, the prevention of statelessness, and the promotion of legal ID were therefore directly linked in the Declaration as essential components of protection and durable solutions.

As of 2025, the Declaration has led to notable progress in migration governance and legal ID. It catalysed the Nairobi Process, broadening the IGAD refugee agenda beyond Somalia and embedding durable solutions into regional dialogue. Host countries, such as Kenya and Ethiopia, enacted new refugee laws – the Refugees Act (2021) in Kenya and the Refugees Proclamation (2019) in Ethiopia – that expanded rights to work, movement and access to services, while formalizing refugee ID systems. Somalia adopted the Refugees and Asylum Seekers Law (2023), even though actual returns remain minimal owing to insecurity. On legal ID, Kenya and Ethiopia introduced refugee IDs and documentation of vital events, and Somalia expanded registration and began drafting a civil registration and vital statistics bill

⁶³ IGAD, Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia (2017). Available at: <https://igad.int/communique-special-summit-of-the-igad-assembly-of-heads-of-state-and-government-on-durable-solutions-for-somali-refugees/> (accessed on 18 August 2025).

and a citizenship bill to address gaps in ID and nationality systems. Progress on statelessness prevention has been uneven, but Kenya has recognized formerly stateless groups, such as the Makonde and Shona, showing some impact of the Declaration's principles.

However, implementation has faced significant obstacles. The Nairobi Declaration and subsequent commitments are non-binding, leaving compliance dependent on political will and national capacity. The Authority has largely acted as a convener, without the means to enforce or directly implement agreed actions. National policies often fall short in practice, as seen in continuing encampment restrictions in Kenya despite new legislation, and the limited institutional capacity of Somalia to deliver large-scale reintegration or ID documentation. Regional instability, protracted conflicts and recurrent droughts have also constrained voluntary repatriation, with returns to Somalia having almost stalled by 2024. Moreover, predictable funding has been inadequate, limiting support for refugee inclusion and ID systems. As a result, while the Declaration has achieved policy alignment and some progress on refugee documentation and governance, it has had a limited impact on eradicating statelessness and securing legal ID for all refugees and returnees in the region.

4. Djibouti Declaration on refugee education

The Djibouti Declaration on refugee education reaffirmed the collective responsibility of IGAD to ensuring access to quality education for refugees, returnees and host communities, embedding refugee education within national education systems. It called for the integration of refugee learners into national education sector plans by 2020, the recognition of prior learning and qualifications across borders, and the development of a regional qualifications framework. Importantly, the Declaration linked education to broader goals of migration governance and legal ID by committing to strengthening education data systems to capture refugee needs, ensure recognition of documentation, and facilitate cross-border certification and accreditation processes.⁶⁴ This recognition of refugees' educational and ID documentation rights directly contributes to reducing risks of statelessness by ensuring recognition of refugees' status and qualifications within host States.

As of 2025, IGAD and its member States have made measurable progress in implementing these commitments. Several countries – including Ethiopia, Somalia, South Sudan and the Sudan – have developed multi-year education sector plans that explicitly include refugees, supported by UNHCR and facilitated by IGAD. Djibouti, Kenya and Uganda have adopted refugee education policies influenced by the Declaration, while such regional initiatives as the development of an IGAD regional qualifications framework, are underway to address recognition of academic and professional qualifications.⁶⁵ Refugee enrolment rates in primary and secondary schools have improved significantly in such countries as Ethiopia and Uganda, and data systems increasingly reflect refugee learners. Moreover, IGAD has coordinated costed education response plans, strengthening alignment with the comprehensive refugee response framework and Sustainable Development

64 IGAD, Djibouti Declaration on Regional Conference on Refugee Education in IGAD Member States (2017). Available at: <https://igad.int/increasing-the-accessibility-of-the-djibouti-declaration-on-refugee-education-in-igad-member-states/> (accessed on 18 August 2025).

65 Kebede Kassa Tsegaye, "The Journey towards developing regional qualifications frameworks: Lessons from the Intergovernmental Authority on Development qualifications framework experience", *International Journal of Educational Administration and Policy Studies*, vol. 16, No. 2 (July-December 2024), pp. 34–38.

Goal 4 on ensuring inclusive and equitable quality education.⁶⁶ These initiatives demonstrate real advances in refugee inclusion and documentation, which are vital to legal ID protection.

Nonetheless, substantial challenges remain. Implementation progress is uneven across member States owing to capacity gaps, funding shortfalls and the non-binding nature of the Declaration, which leaves uptake dependent on political will at the national level. Protracted displacement and high numbers of school-aged refugees continue to strain already limited national education systems, while disparities persist in access to secondary and higher education. Recognition of refugee qualifications across borders is still incomplete, delaying the operationalization of the regional qualifications framework. The COVID-19 pandemic further disrupted learning and slowed policy implementation, while resource constraints and differing national refugee policies hinder harmonized progress.⁶⁷ Overall, while the Djibouti Declaration has been a catalyst for mainstreaming refugee education and linked identity rights into national frameworks, sustainability and equity of implementation remain limited by political, financial, and institutional barriers.

5. Declaration of the 10th IGAD Health Ministerial Committee Meeting on Refugees and Other Cross Border Health Programs

The Declaration of the 10th IGAD Health Ministerial Committee Meeting on Refugees and Other Cross Border Health Programs framed health as a core component of migration governance, linking it to refugees' rights, inclusion and dignity. The Declaration explicitly recognized health as a human right and committed member States to ensuring that refugees, returnees, host communities and cross-border populations had equitable access to quality healthcare services without discrimination. It emphasized the integration of refugee health into national systems, strengthened surveillance and data-sharing mechanisms, and endorsed the use of digital health platforms for disease monitoring.⁶⁸ While the Declaration did not directly address statelessness or nationality rights, its focus on inclusive access to health services and the adoption of digital health and cross-border data frameworks indirectly supports civil registration, documentation and the promotion of legal ID for mobile populations.

Since 2018, progress has been made in implementing these commitments. Several member States, including Uganda, Kenya and Djibouti, have developed policies to integrate refugees into national health systems, supported by joint planning and budgeting processes with UNHCR. The Health Sector Integrated Refugee Response Plan (2019–2024) of Uganda, which ensures that refugees can have access to the same health services as nationals, is a prime example. The Authority has also overseen follow-up meetings, such as the 13th IGAD Health Ministerial Committee Meeting on Refugee and Cross Border Initiatives in 2022, which

⁶⁶ Office of the United Nations High Commissioner for Refugees, *An Evaluation of Progress of the Inclusion of Refugees in National Education Systems in the IGAD Member States* (EvO/2024/07) (2024).

⁶⁷ Ibid.

⁶⁸ IGAD, *Final Declaration of the 10th IGAD Health Ministerial Committee Meeting on Refugee and Cross Border Health Programs* (2018). Available at: <https://resilience.igad.int/wp-content/uploads/2019/10/Final-Declaration-of-the-10th-IGAD-Health-Ministerial-Meeting-19-03-2018-Addis.pdf> (accessed on 12 November 2025).

reaffirmed commitments to scale up health services for refugees and to strengthen cross-border disease surveillance and digital health platforms.⁶⁹ These steps are aligned with broader frameworks, such as the comprehensive refugee response framework and the Global Compact on Refugees, positioning IGAD as a regional convener advancing refugee inclusion in essential services.

However, implementation has faced significant limitations. The non-binding nature of Declarations leaves member States free to adopt or ignore commitments, and the high burden of protracted refugee situations strains already underresourced health systems. Capacity gaps, donor dependency and competing national priorities – including the COVID-19 pandemic and ongoing conflicts – have slowed progress. While the Authority has shown strong convening power, it has been more effective at mobilizing political will than ensuring practical follow-through on health system integration. Funding shortfalls and uneven national refugee policies across member States remain major barriers, limiting the full realization of inclusive health access as a pathway to advancing migration governance, legal ID and protection in the Horn of Africa.

6. Kampala Declaration on Jobs, Livelihoods and Self-Reliance for Refugees, Returnees and Host Communities in the IGAD Region

The Kampala Declaration on Jobs, Livelihoods and Self-Reliance for Refugees, Returnees and Host Communities in the IGAD Region marked a significant step in the Authority's regional approach to migration governance. It reaffirmed commitments under the Nairobi Declaration, the Djibouti Declaration and the Declaration of the 10th IGAD Health Ministerial Committee Meeting on Refugees and Other Cross Border Health Programs, while placing specific focus on livelihoods, economic inclusion and self-reliance. The Declaration urged member States to review national laws and policies to strengthen freedom of movement, expand access to labour markets, improve access to services and ensure the inclusion of refugees in national development plans. It also highlighted the importance of developing the Protocol on Free Movement of Persons in the IGAD Region, finalizing a regional qualifications framework to facilitate recognition of skills and certifications, and addressing documentation and land issues for returnees, thereby linking livelihood opportunities to civil registration and legal ID frameworks.⁷⁰

Implementation since 2019 has produced some notable progress. Several member States, in particular Ethiopia and Uganda, have advanced inclusive refugee policies, granting rights to work, move and gain access to services. Donor-funded projects, such as the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa and the World Bank Development Response to Displacement Impacts Project, have supported refugee-hosting areas with livelihood initiatives and infrastructure.

69 IGAD, Declaration of the 13th IGAD Health Ministerial Committee Meeting on Refugee and Cross Border Initiatives (2022). Available at: https://igad.int/wp-content/uploads/2022/03/SKM_C287-Sa22032517160-1.pdf (accessed on 18 August 2025).

70 IGAD, Kampala Declaration on Jobs, Livelihoods, and Self-Reliance for Refugees, Returnees and Host Communities in the IGAD region (2019). Available at: <https://igad.int/kampala-declaration-on-jobs-livelihoods-and-self-reliance/> (accessed on 18 August 2025).

The Authority has also convened follow-up forums under the Nairobi Process, including a 2022 Nairobi meeting that engaged the private sector in renewable energy, connectivity and digital literacy to improve refugee inclusion. Progress has also been seen in developing the IGAD regional qualifications framework, which is aimed at addressing cross-border recognition of skills, supporting both migration governance and legal ID objectives.

Despite these achievements, implementation faces challenges. First, the Declarations are non-binding and national policies vary significantly; Kenya retains restrictive encampment policies despite passing a progressive refugee law in 2021, while the inclusive model of Uganda is strained by land scarcity and funding gaps. Second, high numbers of refugees (over 4.7 million in the region by 2022) and the protracted nature of displacement limit sustainable integration. Third, capacity and funding shortfalls undermine progress, with donor support declining and IGAD criticized for being more of a convener than an implementer. Finally, limited consultation with member States and overlapping crises – including conflicts in Ethiopia, Somalia and the Sudan, and the socioeconomic impact of the COVID-19 pandemic – have further constrained the effective delivery of livelihoods, legal ID and durable solutions.

7. Protocol on Free Movement of Persons in the IGAD Region

The objective of the Protocol on Free Movement of Persons in the IGAD Region, adopted in 2020, is to facilitate the implementation of the Agreement Establishing the Inter-Governmental Authority on Development by providing for the progressive realization of the free movement of persons, and rights of establishment and residence in IGAD member States. It is also aimed at fulfilling the recommendations of the IGAD Regional Migration Policy Framework and commitments under article 4(2)(i) of the Abuja Treaty.⁷¹

Article 6 of the Protocol establishes obligations on member States to issue their citizens with recognized, valid travel documents – including passports, national ID cards, or other secure high-integrity travel documents compliant with International Civil Aviation Organization standards – and to mutually recognize and exchange specimens of these documents. This provision directly strengthens migration governance by harmonizing travel documentation, facilitating legal cross-border mobility and building trust between States through document recognition. Although the Protocol does not directly address statelessness or refugee ID, article 6 indirectly contributes to the promotion of legal ID as it emphasizes the issuance of valid IDs to all citizens and reinforces regional standards for documentation systems.

As of 2025, the Protocol had not entered into force because it was yet to be ratified by four member States; only Uganda had ratified it by 2025. Consequently, no member State has implemented all phases of free movement, including visa-free entry, labour mobility, residence and establishment. Free movement of people within the IGAD area of activity therefore continues to be determined by bilateral agreements between member States. Nevertheless, IGAD has collaborated with various donor

⁷¹ IGAD, Protocol on Free Movement of Persons in the IGAD Region (Khartoum, 2020).

agencies providing support under various projects advancing free movement within the region, including partnerships with the International Labour Organization and the European Union in the Towards Free Movement and Transhumance in the IGAD Region programme (2017–2023; extended to 2027) to support legal frameworks, labour mobility and border capacity. A significant complementary achievement is the endorsement of the regional Qualification Framework in 2024, which enables the cross-border recognition of skills and supports the documentation agenda linked to mobility rights. These measures illustrate early institutional steps toward the Protocol's objectives in migration governance and legal ID.

However, other challenges continue to impede further progress. Persistent technical and infrastructural gaps – including weak border management, incomplete exchange of travel document specimens and insufficient capacity to issue secure IDs – limit implementation by member States.⁷² Politically, security concerns and divergent national interests have also slowed ratification and incorporation into national legislation. Importantly, the Protocol is citizenship-based and does not cover refugees or stateless persons, leaving gaps in efforts to address statelessness and the legal ID of refugees. Finally, coordination challenges, resource constraints and lack of a robust monitoring mechanisms further delay implementation, meaning the potential benefits of article 6 for legal ID and migration governance are not yet fully realized.⁷³

8. Regional Strategy 2021–2025

The IGAD Regional Strategy 2021–2025 places strong emphasis on data-driven, digital approaches to governance, including migration and refugee management. It commits IGAD to strengthening statistical capacity across member States to generate harmonized data on such important areas as population, migration, refugees, internally displaced persons and labour. In health and social protection, the Strategy explicitly calls for digital health systems in cross-border and refugee settings to improve evidence-based decision-making and service delivery. Although it does not explicitly legislate on statelessness or nationality rights, the Strategy promotes the systematic collection of demographic and legal ID-related data, which supports civil registration and documentation processes and underpins effective migration governance.⁷⁴

By 2025, IGAD had made progress in operationalizing the Strategy through its statistics programme and sectoral initiatives. The IGAD Secretariat, with support from partners including the European Union and the World Bank, has developed the IGAD Regional Strategy for the Development of Statistics (2021–2025) to harmonize migration and refugee data across member States. Complementary programmes – including the IGAD regional migration statistics project and digital health platforms for cross-border disease surveillance – have helped to improve data quality and availability in refugee-hosting areas. These measures are aligned with

72 Kristina Korte and Emma Landmesser, 'Regional Free Movement of Persons as an Opportunity in Dealing with Climate Mobility: Great Potential, Difficult Implementation' SWP Comment No. 2025/C 07 (Berlin, German Institute for International and Security Affairs, 2025).

73 All Africa Conference of Churches, Report on the AACC desk study on the challenges encountered by African Union member states in rectifying and implementing the protocol on free movement, right of residence and right of establishment (2025).

74 IGAD, IGAD Regional Strategy 2021–2025: The Framework (2020), p. 35.

the Strategy's aim of creating a robust evidence base for policy and programmatic decisions, including in areas of refugee health, education and livelihoods, which are linked to legal ID and service access.⁷⁵

However, some limitations constrain implementation. For example, disparities in national statistical and civil registration systems across member States hinder the full harmonization of migration and identity data. Some States continue to face capacity gaps, weak digital infrastructure and resource constraints, which limit the integration of refugee and migrant data into national systems.⁷⁶

9. Digitalization Roadmap 2021–2025

The Digitalization Roadmap 2021–2025 was developed as a regional information and communications technology (ICT) policy to support the IGAD Regional Strategy covering the same period. Its objectives include transforming IGAD into a paperless institution across the Secretariat and specialized institutions, while strengthening cybersecurity and data privacy frameworks. These elements are directly relevant to migration governance, as they provide the foundation for digitalized border management and migrant data systems. The Roadmap also links to the promotion of legal ID, as secure digital infrastructure and data protection are prerequisites for the digital management of migrant ID. Although it does not explicitly tackle statelessness or nationality rights, its focus on digitalization, interoperability and secure documentation indirectly supports civil registration and ID verification for migrants and refugees.

However, despite the development of the Roadmap, member States have been reluctant to enter into universal data-sharing agreements owing to the absence of mutually agreed frameworks and standards.⁷⁷

10. IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa

On 16 June 2023, the ministers responsible for refugee affairs in IGAD and EAC countries adopted the joint IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa, in which they affirmed their continued commitment to State obligations under the Convention relating to the Status of Refugees and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.⁷⁸ The ministers also agreed to develop, adopt and implement comprehensive regional refugee management policies aimed at harmonizing refugee protection standards across the IGAD and EAC areas in line with international protection standards. They also agreed to adopt or amend national asylum laws to permit asylum-seekers to be consistently protected from refoulement and granted access to quality national asylum procedures,

⁷⁵ IGAD, Regional Strategy for the Development of Statistics 2021–2025 (2020).

⁷⁶ Ibid.

⁷⁷ Tsion Tadesse Abebe and George Mukundi-Wachira, eds., *The State of Migration in East and Horn of Africa Report 2022* (Geneva, International Organization for Migration, 2023), p. 150.

⁷⁸ IGAD and EAC, IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa (2023). Available at: <https://igad.int/wp-content/uploads/2023/06/2023-IGAD-EAC-Ministerial-Declaration-on-Durable-Solutions-for-Refugees-English.pdf> (accessed on 18 August 2025).

documentation and effective protection. In addition, the ministers agreed to ensure that refugees born in host countries have access to birth registration and certification, including late birth registration, in order to prevent statelessness.

As of 2025, implementation of the Declaration's main commitments is largely preparatory rather than operational. While the policy architecture is being shaped through consultations and policy drafting, there is limited evidence that comprehensive regional refugee management policies have been formally adopted or translated into binding regional mechanisms. Amendments to national asylum laws aligned with non-refoulement norms and standardized procedures also remain inconsistently applied across the member States of the two regional economic communities. For example, although the Declaration underscores the importance of birth registration for refugee-born children, there remain significant legal, policy and operational obstacles to the provision of birth certificates for refugee children in the region. Meanwhile, the region continues to host large refugee populations – over 5 million in 2023 –, amplifying the urgency of the matter. Consequently, while the Declaration sets out an essential roadmap for harmonized protection and legal ID assurances, its translation into tangible, measurable change remains at an early stage as of 2025.

11. Policy Framework on Refugee Protection

The Policy Framework on Refugee Protection is aimed at ensuring the safety, dignity and self-reliance of refugees and asylum-seekers, while also supporting the well-being of host communities, in line with international and regional standards.⁷⁹ It sets out a regional roadmap to strengthen refugee protection by addressing gaps in asylum procedures, registration and documentation. On migration governance, it calls for harmonized and protection-sensitive registration and refugee status determination processes, including biometric systems with data protection safeguards. On legal ID, it emphasizes ensuring refugees' access to civil registration and ID documentation, including their inclusion in national digital ID systems with unique identifiers, the recognition of refugee documents by authorities and the issuance of International Civil Aviation Organization-compliant travel documents, as provided under the Convention relating to the Status of Refugees. On statelessness prevention, the Framework highlights the importance of registering all births and vital events of asylum-seekers and refugees in host countries, irrespective of their age, as a safeguard against the risk of statelessness.

As of 2025, there has been documented progress toward implementation of some of these commitments. Ethiopia has rolled out digital refugee IDs linked to its national Fayda ID system, enabling over 65,000 refugees (including more than 9,600 refugees from the Sudan) to gain access to banking, telecommunications, education and work opportunities, reflecting the inclusion goals of the Framework's priority area 3. Kenya has also taken steps to enhance the recognition of refugee ID documents: in June 2025, new regulations allowed refugee IDs to be used to register SIM cards, extending their practical utility for service access. At the regional level, in 2023, IGAD convened validation workshops to align the Framework with existing

⁷⁹ IGAD, IGAD Policy Framework on Refugee Protection (2023).

commitments, while supporting harmonization efforts on data and documentation in member States.

Nonetheless, implementation remains uneven and faces multiple constraints. The Framework is non-binding, meaning that national uptake varies and progress is concentrated in a few States, leaving gaps across the region. Many recommendations, such as harmonized regional databases, systematic birth registration and the issuance or recognition of travel documents under the Convention relating to the Status of Refugees, have yet to be operationalized. Persistent capacity and resource shortages in asylum systems continue to cause delays in registration and refugee status determination, while conflicts in Ethiopia, Somalia and the Sudan have overwhelmed host States already coping with over 6 million refugees in the region. As a result, while early initiatives in Ethiopia and Kenya have demonstrated the Framework's potential to advance migration governance, legal ID and statelessness prevention, full regional implementation is still constrained by structural, financial and political challenges.

B. Regional migration and legal identity initiatives

1. Better Migration Management Programme

The Better Migration Management Programme is a donor-funded (European Union Emergency Trust Fund for Africa) programme aimed at strengthening the capacities of government agencies in creating a safe environment for safe, orderly and regular migration. The Programme also supports policy and legislative reforms to address the vulnerabilities of migrants.

C. Institutional and governance structures

Labour migration issues within IGAD are addressed by the Ministerial Conference on Labour, Employment and Labour Migration. The Conference facilitates the implementation of the Protocol on Free Movement of Persons in the IGAD Region through knowledge-sharing and coordination efforts that build consensus on a regional common approach.

IGAD has also established the Sectoral Ministerial Committee on Migration, which includes two platforms for engaging with labour migration issues: the Regional Migration Coordination Committee and the regional consultative processes. In addition, IGAD has also established a regional technical working group on the harmonization of migration data, the mandate of which includes addressing challenges on migration data and promoting standardization and data-sharing protocols.⁸⁰

⁸⁰ Linda Adhiambo Oucho, Leander Kandilige and Piotr Kazmierkiewicz, *Labour Mobility and Regional Integration in East and Horn of Africa* (Geneva, International Organization for Migration, 2023).

D. Progress, challenges and recommendations

1. On migration governance

a. Progress and opportunities

- IGAD has enacted regional legal and policy frameworks that provide the basis for regional cooperation in migration governance and border management systems. These include the Agreement Establishing the Inter-Governmental Authority on Development, the IGAD Regional Migration Policy Framework and the Protocol on Free Movement of Persons in the IGAD Region.
- IGAD has also enacted regional policy frameworks for regionally coordinated mechanisms for the management of refugees and the harmonization of member State refugee management policies, laws, strategies and programmes. These include the IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa, which calls for the development, adoption and implementation of comprehensive regional refugee management policies.
- The Better Migration Management Programme, supported by donor agencies, has strengthened the capacities of government agencies in the member States to create and implement structures for safe, orderly and regular migration.

b. Challenges

- The Protocol on Free Movement of Persons in the IGAD Region is yet to be ratified by five of the seven member States, and has therefore not entered into force and become legally binding.
- The Agreement Establishing the Inter-Governmental Authority on Development and the Protocol on Free Movement of Persons in the IGAD Region do not address the plight of refugees in relation to legal ID; the Agreement merely mandates States to facilitate their repatriation and reintegration.

c. Recommendations

IGAD should encourage member States to ratify and incorporate into national legislation the Protocol on Free Movement of Persons in the IGAD Region.

2. On legal identity

a. Progress and opportunities

- IGAD has enacted regional legal and policy frameworks that operationalize the right to legal ID. These include: the 2012 Regional Migration Policy Framework, which calls for the registration and issuance of ID documents to refugees, as required under international law; and the 2020 Protocol on

Free Movement of Persons in the IGAD Region, which requires member States to issue citizens with valid travel documents and to mutually recognize them.

- In addition, the 2023 IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa calls for: the development, adoption and implementation of comprehensive regional refugee management policies; the adoption of national asylum laws granting access to quality national asylum procedures, documentation and effective protection; and the extension of birth registration and certification to refugees born in host countries.
- The 2023 Policy Framework on Refugee Protection further reinforces member States' commitments to extending access to civil registry, ID and travel documents for refugees and asylum-seekers.

b. Challenges

- The Protocol on Free Movement of Persons in the IGAD Region is yet to be ratified by five of the seven member States, and has therefore not entered into force and become legally binding.
- The Agreement establishing the Inter-Governmental Authority on Development and the Protocol on Free Movement of Persons in the IGAD Region do not address the plight of refugees in relation to legal ID; the Agreement merely mandates States to facilitate their repatriation and reintegration.

c. Recommendations

IGAD should develop specific legally binding regional legal instruments that recognize and operationalize the right to legal ID for refugees and stateless persons, as the current efforts are backed by weak, non-binding policy frameworks and ministerial declarations.

3. On statelessness

a. Progress and opportunities

IGAD has made progress in adopting policy frameworks addressing the issue of statelessness. This includes: the 2012 Regional Migration Policy Framework, which recommends the development by member States of citizenship legislation to counter statelessness; and the 2023 Policy Framework on Refugee Protection, which notes that access to birth registration and certification, especially for asylum-seekers and refugees born in asylum, are crucial to preventing and reducing statelessness.

b. Challenges

None of the legal instruments, such as the Agreement establishing the Inter-Governmental Authority on Development or the Protocol on Free Movement of

Persons in the IGAD Region, address the issue of statelessness. The effort on statelessness is therefore limited to non-binding declaratory policy frameworks.

c. Recommendations

IGAD should leverage its status as a regional convenor to promote the harmonization of member State policy and legislative approaches to statelessness, by adopting a binding regional legal instrument.

4. On digital legal identity and related infrastructure

a. Progress and opportunities

- Even though it has not adopted legal frameworks on digital ID, IGAD has adopted policy frameworks that outline its objectives and strategies for realizing digital ID. These include: the 2012 Regional Migration Policy Framework, which calls for the embrace of new border management technologies that improve the security of electronically verifiable travel documents to conform to international norms; the 2020 Regional Strategy (2021–2025), which is aimed at promoting a digital and data-driven approach to programmatic interventions, including health systems for refugees; and the 2020 Digitalization Roadmap (2021–2025), which addresses cybersecurity and data privacy issues for the region.
- As of December 2023, of the seven IGAD member States, four countries (Eritrea, Kenya, Somalia and Uganda) had launched an electronic ID system, while Ethiopia was in the planning stage. Djibouti and South Sudan have not developed a digital ID system.⁸¹
- Of the seven IGAD member States, all except one (Djibouti) had enacted electronic ID regulations, while only four had enacted data protection laws (Ethiopia, Kenya, Somalia and Uganda).
- The success in adopting and implementing the IGAD Protocol on Transhumance through the IGAD livestock management system presents the Authority with an opportunity to borrow and apply the consensus-based methodology to the digitalization of national identification and integrated border management.

b. Challenges

- Limited resources: IGAD has only secured 20–30 per cent of the funding required to implement the Digitalization Roadmap.
- The incorporation into national legislation of IGAD regional legal instruments to be implemented has been poor.
- The implementation of a regional system of digitalized, integrated border management system relies on country-level implementing agencies, yet

⁸¹ Musoni, Domingo and Ogah, “Digital ID systems in Africa: Challenges, risks and opportunities”, p. 11.

most member States lack sufficient data privacy laws and government-mandated cybersecurity agencies.

- Member States have been reluctant to enter into universal data-sharing agreements owing to the absence of mutually-agreed frameworks and standards.⁸²

c. Recommendations

To address the challenges outlined in the previous sections, the following recommendations should be considered by IGAD:

- Establish regional policy and legal frameworks that promote lawful data-sharing between member States, including data protection laws and cybersecurity laws.
- Jointly develop and adopt regionally interoperable digital and physical infrastructure for digitalized identification that facilitates integration and digitalization in the region.
- Adopt a rights-based approach to the digitalization of legal ID, so as to ensure that the rights of already vulnerable migrants, such as refugees and stateless persons, are not further infringed through risky digital infrastructure.
- Close the digital divide within and between member States by adopting regional technology policies that promote public and private sector investments in digital technology infrastructure and universal access, such as through lower cross-border communication costs.

⁸² Abebe and Mukundi-Wachira, eds., *The State of Migration in East and Horn of Africa Report 2022*, p. 150.

V. International Conference on the Great Lakes Region

The International Conference on the Great Lakes Region (ICGLR) is an intergovernmental organization of the countries in the African Great Lakes Region, established by their heads of State and government. Its establishment was based on the recognition that political instability and conflicts in these countries have a considerable regional dimension and thus require a concerted effort in order to promote sustainable peace and development. ICGLR has 12 member States: Angola, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Kenya, Rwanda, South Sudan, the Sudan, Uganda, the United Republic of Tanzania and Zambia. All EAC member States are members of ICGLR.

ICGLR has adopted various policy and legal instruments mandating its member States to take legal, policy and programmatic actions on matters relating to migration, legal ID and nationality, statelessness and the digitalization of ID, as elaborated in table 3 below.

A. Legal and policy instruments

Table 3: International Conference on the Great Lakes Region legal and policy instruments

	International Conference on the Great Lakes Region legal/policy instrument	Year
1	Dar-es Salaam Declaration on Peace, Security, Democracy and the Development of the Great Lakes Region	2004
2	Pact on Security, Stability and Development in the Great Lakes Region	2006
3	Declaration of the International Conference on the Great Lakes Region Member States on the Eradication of Statelessness	2017
4	Outcome Document of the High-Level Meeting of Ministers in Charge of Refugees in the Great Lakes Region	2019
5	Outcome Document of Experts Conference on Eradication of Statelessness and Access to Legal Identity Documentation in the Great Lakes Region	

Source: Compiled by the author.

1. Dar-es-Salaam Declaration on Peace, Security, Democracy and the Development in the Great Lakes Region

In November 2004, the 11 heads of State and government of the ICGLR member countries unanimously adopted the Declaration on Peace, Security and Development in the Great Lakes Region in Dar es Salaam, United Republic of

Tanzania.⁸³ The Dar-es-Salaam Declaration represented a political statement with the intention of addressing the root causes of intractable conflicts and constraints to development in a regional and innovative approach.

The Declaration commits member States to “establish a regional mechanism and national systems enabling the identification, disarmament and separation of combatants from civilian refugees and displaced persons, and their confinement in distinct facilities to prevent them from manipulating refugees and displaced persons for political or military purposes”.⁸⁴

It also commits member States to “adopt a common regional approach for the ratification and implementation of the [United Nations] Conventions on Statelessness, harmonize related national laws and standards, and provide refugees and displaced persons with identification documents enabling them to have access to basic services and exercise their rights”.⁸⁵

2. Pact on Security, Stability and Development in the Great Lakes Region

The Pact on Security, Stability and Development in the Great Lakes Region was adopted by the heads of State and government of ICGLR member States on 15 December 2006.⁸⁶ The objectives of this Pact are to: (a) provide a legal framework governing relations between the member States to which the Pact applies; (b) implement the Dar-es-Salaam Declaration, the Protocols, Programmes of Action, the Regional Follow-up Mechanism and the Special Reconstruction and Development Fund as adopted under article 3 of the Pact; and (c) create the conditions for security, stability and sustainable development between the member States.

Article 20 – on the Programme of Action on Humanitarian, Social and Environmental Issues – commits member States to finding lasting solutions to guarantee protection and assistance to populations affected by political conflicts in the Great Lakes Region, and promoting policies aimed at disaster prevention, protection, assistance and the search for durable solutions for refugees and internally displaced persons, as well as their environment.

83 International Conference on the Great Lakes Region, Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region (2004). Available at: https://icglr.org/wp-content/uploads/2020/07/Dar_Es_Salaam_Declaration_on_Peace_Security_Democracy_and_Development-1.pdf?x55657 (accessed 18 August 2025).

84 Ibid, para. 63.

85 Ibid, para. 68.

86 International Conference on the Great Lakes Region, The Pact on security, stability and development for the Great Lakes Region (2006). Available at: https://icglr.org/wp-content/uploads/2022/06/Pact_EN-Modified_2012.pdf (accessed 18 August 2025).

3. Declaration of the International Conference on the Great Lakes Region Member States on the Eradication of Statelessness

The Declaration of ICGLR Member States on the Eradication of Statelessness was adopted by the foreign affairs ministers of the member States in June 2017.⁸⁷ Member States reaffirmed their commitment to ending statelessness in their respective countries by encouraging them to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and to align their nationality laws and related legislation with the Conventions. They also reaffirmed their commitment to implementing gender-equal rights of nationality, and providing legal protections to children and all foundlings on acquiring nationality at birth. More specifically, member States reaffirmed their commitment to ensuring that every child is registered immediately after birth, and that late birth registration procedures are accessible to all unregistered individuals born in the territory. In addition, member States undertook to ensure that all individuals entitled to nationality under national law are able to acquire documentary proof of their nationality.

4. Outcome Document of the High-Level Meeting of Ministers in Charge of Refugees in the Great Lakes Region

In the Outcome Document of the High-Level Meeting of Ministers in Charge of Refugees in the Great Lakes Region, the ministers in charge of refugees of the Peace, Security and Cooperation Framework member States acknowledged that access to legal ID documentation, in particular birth registration, is critical to preventing and reducing statelessness, in line with the ICGLR Declaration on the Eradication of Statelessness (Brazzaville Declaration).⁸⁸ In addition, noting the regional refugee management initiatives of EAC and IGAD, the member States recommended that ICGLR develops a regional strategy for durable solutions for the Great Lakes region and an action plan to implement the strategy.

5. Outcome Document of Experts Conference on Eradication of Statelessness and Access to Legal Identity Documentation in the Great Lakes Region

In the Outcome Document of the Experts Conference on Eradication of Statelessness and Access to Legal Identity Documentation in the Great Lakes Region, experts from ICGLR member States encouraged countries to adopt the necessary legislative and administrative reforms to resolve existing cases of statelessness, accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, and finalize and adopt the draft Protocol to the African

⁸⁷ International Conference on the Great Lakes Region, Declaration of International Conference on the Great Lakes Region (ICGLR) Member States on the Eradication of Statelessness (2017), Available at <https://icglr.org/wp-content/uploads/2023/02/Declaration-Apatridie-Engl.pdf> (accessed 18 August 2025).

⁸⁸ International Conference on the Great Lakes Region, Outcome Document of the High-Level Meeting of Ministers in Charge of Refugees in the Great Lakes Region (2019). Available at: https://ungreatlakes.unmissions.org/sites/default/files/07032019_outcome_document_eng.pdf (accessed 18 August 2025).

Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa.⁸⁹

B. Regional migration, statelessness and legal identification initiatives

Currently, there are no regional bodies or mechanisms that have been established by ICGLR to implement and operationalize legal and policy commitments at the regional level. However, the Action Plan of ICGLR on the Eradication of Statelessness outlines ambitions for the establishment of a regional database on statelessness by the Executive Secretariat. This could promote more efficient coordination and knowledge exchange between ICGLR member States.

C. Institutional and governance structures

The ICGLR governance structure consists of four main organs: the Summit of Heads of State and Government, the Regional Inter-Ministerial Committee, the National Coordination Mechanisms and the Executive Secretariat. The Summit of Heads of State and Government is the supreme decision-making organ that provides political direction for the Conference. The Regional Inter-Ministerial Committee, comprised of foreign affairs ministers, is the executive body of ICGLR responsible for setting agendas and developing protocols and other legal frameworks. National Coordination Mechanisms provide the link between the regional and national operations of ICGLR, ensuring the full participation of member States in the Conference's activities by identifying new issues and further developing existing ones. The Executive Secretariat, the technical and coordinating organ of ICGLR, is responsible for coordinating, facilitating and monitoring the implementation of member State commitments and programmes of action. The Executive Secretariat has six decentralized organs with specific mandates relevant to the migration, legal ID and eradication of statelessness, including National Coordination Mechanisms.

The ICGLR Action Plan on the Eradication of Statelessness (2017–2024) gives specific and shared responsibilities to the Executive Secretariat, National Coordination Mechanisms, member States and external partners, including UNHCR and civil society organizations. For example, on the first strategic objective of compliance with relevant legal, policy and institutional frameworks, the Secretariat is responsible for development of regional protocols, and collaborates with member States, UNHCR and civil society on awareness-raising and information campaigns on accession to international conventions. On the second strategic objective of strengthening data management systems for effective responses to challenges of statelessness, the National Coordination Mechanisms collaborate with UNHCR on research, the analysis and dissemination of data, and the institutionalization of data collection and dissemination. The Executive Secretariat is responsible for the establishment of a regional database on statelessness. On the third strategic objective of establishing strategic and operational monitoring and follow-up

⁸⁹ International Conference on the Great Lakes Region, Outcome document of Experts Conference on Eradication of Statelessness and Access to Legal Identity Documentation in the Great Lakes Region (2023). Available at: https://icglr.org/wp-content/uploads/2020/07/Outcome-Documents-ICGLR-UNHCR-Conference_EN.pdf?x55657 (accessed 18 August 2025).

mechanisms, the Executive Secretariat collaborates with National Coordination Mechanisms and UNHCR.

On the fourth strategic objective of guaranteeing access to proof of legal ID, including birth certificates and nationality documentation, the Executive Secretariat collaborates with member States, UNHCR, the United Nations Children's Fund and other civil society organizations to develop and implement regional policies, strategies, guidelines and programmatic frameworks for strengthening civil registration systems and ensuring universal birth registration, as well as the issuance of nationality documentation to those entitled to it. Member States undertake legislative and institutional reforms and implement the legal commitments.

D. Progress, challenges and recommendations

1. Progress and opportunities

ICGLR has registered progress across various cross-cutting agendas related to migration governance, legal ID and the eradication of statelessness:

- Member States have adopted legal and policy commitments on the accession to, and incorporation into national legislation of, international legal commitments on the eradication of statelessness and the provision of legal IDs to refugees.
- In addition, they have also adopted legal and policy commitments to collaborate on migration governance, including regional mechanisms for the identification of combatants and refugees.
- ICGLR has also established regional action plans for the implementation of the various regional policy and legal commitments adopted by its member States, including the Action Plan on the Eradication of Statelessness (2017–2024) and the Regional Action Plan on Women, Peace and Security (2021–2024).
- ICGLR has developed partnerships with United Nations institutions (including UNHCR and the United Nations Children's Fund) and other civil society organizations to provide technical capacity and resources in the implementation of its action plans.

Opportunities available to ICGLR include creating synergies with regional organizations with overlapping memberships and related objectives, such as EAC, IGAD and the African Union, which have deeper legal, institutional and political integration, and whose programmes of action on the related objectives can contribute to achievement of ICGLR objectives.

2. Challenges

Despite the progress made by ICGLR, its objectives on migration governance, legal ID and the eradication of statelessness are undermined by many challenges:

- Member States have either not yet fully implemented or failed to implement the policy and legal commitments in the adopted Pact on Security, Stability and Development in the Great Lakes Region, protocols and policy decisions.
- ICGLR faces financial and other related resource constraints owing to both the failure of some member States to contribute to the Special Reconstruction and Development Fund and the inadequacy of the amounts contributed by member States. In addition, external funding support has also decreased in recent years.
- New and persistent conflicts within ICGLR, such as in Burundi, the Central African Republic, the Democratic Republic of the Congo and South Sudan, have also undermined the organization's capacity to promote its objectives in a unified manner.
- Even though the ICGLR legal instruments create a role for civil society organizations in the achievement of ICGLR objectives, their engagement has faced constraints from the organization's institutional set-up, owing to the absence of a framework for consultation, coordination, dialogue and exchange between them.
- Overlapping memberships in other regional institutions, such as IGAD, EAC and the Common Market for Eastern and Southern Africa, has created divided loyalties within ICGLR member States and undermined their commitments to ICGLR objectives and commitments.
- ICGLR objectives are undermined by the ineffectiveness of the organs and institutions established to implement the programmes of action, including the forums, committees and the Executive Secretariat.

3. Recommendations

To address the challenges outlined in the previous sections, the following recommendations should be considered by ICGLR and its partners:

- The Summit of Heads of State and Government should provide political leadership and support for the work of the Executive Secretariat and United Nations partners in assisting member States in the incorporation into national legislation and the implementation of international and regional legal and policy commitments relating to migration governance, the eradication of statelessness and legal ID.
- Owing to financial and other resource constraints faced by ICGLR, it should leverage the resources and achievements of related objectives of other regional bodies, such as IGAD and EAC, where possible.
- ICGLR should create a strong framework for consultation, coordination, dialogue and exchange with civil society organizations, so that these institutions can also strengthen its capacity, including resources for implementation of programmes.

VI. East African Community

EAC is one of the eight regional economic communities recognized by the African Union that will form the bedrock of the African Economic Community and, specifically, the African Continental Free Trade Area. Its membership currently includes eight countries: Burundi, the Democratic Republic of the Congo, Kenya, Rwanda, Somalia, South Sudan, Uganda and the United Republic of Tanzania.

International migration in EAC made up 2.8 per cent of the community's total population, increasing from 2.7 million in 2010 to 5 million in 2019. The number of migrants in the labour force also roughly doubled from 1.4 million in 2010 to 2.7 million in 2019.⁹⁰ Estimates on the number of people without a form of legal ID in the EAC area indicate that, in South Sudan, Uganda and the United Republic of Tanzania, nearly 50 per cent of the population do not possess ID, while in Rwanda this number falls to 20 per cent.⁹¹ There is little data on statelessness in EAC. It is estimated by IGAD that 85,000 people in Kenya, South Sudan and Uganda are stateless.

Forced migration is an important factor in migration patterns within EAC, even though the collection of data on refugees, asylum-seekers and internally displaced persons remains a challenge for member States. EAC partner States have been both the countries of origin and the host countries to a significant number of refugees from within the Community.

EAC has adopted various policy and legal instruments mandating its Partner States to take legal, policy and programmatic action on matters relating to migration, legal ID and nationality, statelessness and the digitalization of ID, as elaborated in table 4 below.

A. Legal and policy instruments

Table 4: East African Community legal and policy instruments

	East African Community legal/policy instrument	Year
1	Treaty for the Establishment of the East African Community	1999
2	East African Community regional e-government frameworka	2006
3	Protocol on the Establishment of the East African Community Common Market	2010
4	East African Community Protocol on Peace and Security	2013
5	East African Community Regional Strategic Framework for e-Immigration	2014
6	East African Community One Stop Border Posts Act	2016
7	East African Community Child Policy	2016

⁹⁰ Secretariat of EAC, East African Community International Migration Statistics Report - Edition One, p. xiv.

⁹¹ Victoria Esquivel-Korsiak and Anita Mittal, Study of Options for Mutual Recognition of National IDs in the East African Community, p. 19.

	East African Community legal/policy instrument	Year
8	East African Community Gender Policy	2018
9	East African Community E-Commerce Strategy	2022
10	IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa	2023
11	East African Community Labour Migration Policy	2024

Source: Compiled by the author.

^a East African Community and United Nations Conference on Trade and Development, EAC legal framework for cyberlaws (November 2008), p. 3, available at <https://d4daccess.eu/sites/default/files/2024-02/EAC%20Framework%20for%20Cyber%20laws.pdf>; East African Community, East Africa Regional Health Policy, p. 21, available at https://p4h.world/app/uploads/2023/02/EAC20Regional20Health20Policy20Final_x73677.pdf; United Nations Conference on Trade and Development, Harmonizing cyberlaws and regulations: the experience of the East African Community, p. 3, available at https://www.d4daccess.eu/sites/default/files/2024-02/27223-wd-harmonizing_cyber_laws_regulations_the_experience_of_eac1_0.pdf.

1. Treaty for the Establishment of the East African Community

Article 76 of the Treaty for the Establishment of the East African Community provides for a common market among EAC partner States, with the free movement of labour, goods, services, capital and the right of establishment.⁹² In addition, article 104(1) provides for cooperation between partner States in adopting measures to achieve the free movement of persons, labour and services, and to ensure the right of establishment and residence of their citizens within the Community. In addition, article 104(3) binds partner States to maintaining common standard travel documents for their citizens, among other actions.

The main weakness of the Treaty is that it vests the freedoms and rights in citizens only, and excludes non-citizens, including migrants and stateless persons.

2. East African Community Regional e-Government Framework

The EAC Regional e-Government Framework was adopted by the Council of Ministers in 2006, with a vision of creating wealth, raising the living standards of all people in East Africa and enhancing the international competitiveness of the region through increased production, trade and investment in the region, with ICTs playing a leading role. Among the strategic areas the framework identifies for deploying technology is customs and immigration control. It sets out the goal of an automated customs and immigration information system and a common visa information system, with a uniform visa format and a common EAC passport.⁹³

Nearly two decades since the adoption of the Framework, progress has been uneven: customs automation and cargo tracking have advanced significantly, and the EAC e-passport – launched in 2016 – has become a major step towards a harmonized, secure legal ID across the region. However, the goal of a fully

⁹² EAC, Treaty for the Establishment of the East African Community (Arusha, 1999).

⁹³ ECA, East African Community Regional e-Government Framework (2006).

integrated visa information system has only been partially realized, with the single tourist visa limited to some partner States and broader harmonization slowed down by political, financial and technical constraints. Overall, while the Framework has strengthened legal ID and migration governance, it has only partially achieved its goals, with gaps in interoperability, uniform adoption and full implementation across all member States.

3. Protocol on the Establishment of the East African Community Common Market

The Protocol on the Establishment of the East African Community Common Market, adopted in 2010, is the principal document guiding labour migration governance within the region, and also makes provision for the issuance of digital ID documents.⁹⁴ Article 5, on the scope of cooperation in the Common Market, requires partner States to ease the cross-border movement of persons and eventually adopt an integrated border management system, among other actions. Article 7, which makes provision for the free movement of persons, provides that the movement of refugees within the Community shall be governed by the relevant international conventions. Article 8, on a standard ID system, requires partner States to establish a common standard system of issuing national ID documents to their nationals, which shall be the basis for identifying the citizens of partner States within the Community. Article 9 further makes provision for the issuance of travel documents. It requires citizens of partner States travelling within the Community to use a valid common standard travel document. In addition, it makes provision for partner States to agree to the use of machine-readable and electronic national ID cards as travel documents, and to work out modalities for their implementation.

The Community operationalized a passport for EAC citizens who can now travel freely and reside in member States for a period of up to six months. Kenya, Rwanda and Uganda currently allow their citizens to travel to each other's territory with only their national ID cards, which have integrated biometric information.

As noted in the preceding paragraphs, the Protocol delegates the governance of refugee movements to international conventions, and does not make explicit reference to these instruments within the text, such as by explicitly embedding the international law rights and duties in the Protocol.

4. East African Community Protocol on Peace and Security

The EAC Protocol on Peace and Security was adopted in 2013 with the objective of promoting peace, security and stability within the Community and good neighbourliness among partner States.⁹⁵ While the Protocol does not make specific mention of legal ID, article 10 on management of refugees outlines related partner State undertakings. For example, in addition to undertaking to establish common mechanisms for the management of refugees, the partner States also agree to harmonize their refugee management policies, laws, strategies and programmes according to international treaty commitments on refugees, establish

⁹⁴ EAC, Protocol on the Establishment of the East African Community Common Market (2010).

⁹⁵ EAC, Protocol on Peace and Security (Arusha, 2013).

and harmonize asylum procedures, network and share information regarding asylum-seekers and refugees, and establish systems for exchange of information between refugee agencies, among other actions.

The Protocol on Peace and Security has not been ratified by all partner States as required, and had not entered into force as of August 2025. This has delayed the institutionalization of the regional refugee management and security cooperation commitments set out in the Protocol.

5. Regional Strategic Framework for e-Immigration 2014/15–2019/20

EAC has emphasized the need to harness and integrate ICT applications into immigration processes in order to realize the objectives of the Protocol on the Establishment of the EAC Common Market. The Regional Strategic Framework for e-Immigration was developed by EAC to guide the development of harmonized policies, strategies and institutional, legal and regulatory frameworks and the overall implementation of e-immigration initiatives at the EAC Community and partner State levels. The Framework is a proactive step towards strengthening EAC integration processes by taking advantage of technological innovations to respond to new and emerging trends in world migration control practices, challenges and threats.⁹⁶

The Framework provided a strong policy direction for harmonizing immigration processes through ICT in support of the Protocol on the Establishment of the EAC Common Market, and its objectives have been partly realized through such initiatives as the establishment of one-stop border posts (discussed in the following section), electronic cargo tracking and the wider adoption of digital border management tools that have improved efficiency and standardization in immigration control. These advances demonstrate tangible progress in integrating technology into cross-border migration governance. However, the Framework's implementation has been limited by inadequate systematic harmonization of e-immigration laws, policies and regulatory frameworks across partner States, and by the lack of a unified regional ICT-based immigration platform, leaving progress uneven and dependent on national capacities.

6. East African Community One Stop Border Posts Act

The EAC One Stop Border Posts Act was enacted in 2016 with the objective of enhancing trade through the efficient movement of goods, persons and services within the Community, by establishing one-stop border posts that would reduce border crossing time. As a general principle, the one-stop border posts concept promotes a coordinated and integrated approach to facilitating trade, the movement of people and improving security. Member States are currently working on the implementation of agreed initiatives on electronic ID and the operationalization of one-stop border posts towards digitalization of free movement processes across EAC.

⁹⁶ EAC, Regional Strategic Framework for E-Immigration 2014/15-2019/20: Reviewed Final Report (2014), p. 12.

By 2025, the 2016 Act had yielded tangible progress: 13 functional one-stop border posts were operational, significantly improving the movement of goods – especially noted in Rwanda – and contributing to regional trade integration and efficiency. However, persistent limitations remain in fully realizing the Act's broader governance impact. Some of the challenges documented by the secretariat of EAC include: infrastructure management and maintenance challenges; lapses in coordination among partner State agencies operating at the borders; and gaps in communication among these border agencies and with policymakers at both the national and regional levels.⁹⁷ Major border points continue to experience lengthy delays, reliance on outdated processes, and substantial informal trade activity that circumvents formal mechanisms.⁹⁸

While the one-stop border posts demonstrate promising potential to advance migration governance and legal ID through integrated and digital border controls, the actual impacts on these dimensions remain largely indirect and insufficiently documented.

7. East African Community Child Policy

The EAC Child Policy recognizes the varying levels of enforcement of universal birth and death registration systems in partner States in, and that the lack of a birth certificate for a child is synonymous with the lack of legal ID and citizenship, potentially making them stateless. The Policy therefore calls on partner States to strengthen birth and death registration systems, and ensure that each child has a nationality.⁹⁹

Since its adoption in 2016, the EAC Child Policy has spurred measurable progress in strengthening civil registration and vital statistics systems across the region, recognizing birth registration as the foundation of legal ID and a safeguard against statelessness. By 2025, several partner States had achieved notable gains. For example, the United Republic of Tanzania rolled out its simplified birth registration system nationwide, raising the registration of those under 5 years of age from approximately 12 per cent in 2013 to nearly 68 per cent in 2022.¹⁰⁰ Rwanda, on the other hand, digitalized birth and civil status services through IremboGov, with coverage above 80 per cent.¹⁰¹ In addition to maintaining the registration rate of children under 5 years age above 76 per cent, Kenya also launched a unique personal identifier at birth, known as Maisha Namba. Uganda expanded its mobile vital records system with new mobile units. Burundi has maintained relatively high registration coverage between 76 and 90 per cent, while the Democratic Republic of the Congo and South Sudan remain in earlier stages of civil registration and vital statistics modernization.¹⁰² These national reforms demonstrate tangible progress in line with the Policy's objectives of universal birth registration and strengthened legal ID systems for children.

97 EAC, One-Stop Border Post Sustainability Strategy (2021)

98 Paul Nugent and Isabella Soi. "One-stop border posts in East Africa: state encounters of the fourth kind", *Journal of Eastern African Studies*, vol. 14, No. 3 (2020), pp. 433–454.

99 EAC, The East African Community Child Policy (2016).

100 United Republic of Tanzania, Ministry of Health, Annual Health Sector Performance Profile 2023 (2024).

101 United Nations Children's Fund, Birth Registration in Sub-Saharan Africa: Current Levels and Trends (New York, 2025).

102 Ibid.

Despite these advances, the Policy's impact is constrained by persistent gaps and uneven implementation. Not all partner States provide comprehensive legal safeguards to prevent childhood statelessness; notably, the United Republic of Tanzania and Uganda still lack full guarantees that every child will acquire a nationality if otherwise stateless. At the regional level, commitments to establish electronic ID documents for all children, and to complete an EAC-wide study on the lack of nationality have not been fully implemented or publicly documented. Coverage disparities remain, in particular in South Sudan and the Democratic Republic of the Congo, and interoperability across civil registration and vital statistics systems is limited. While the Policy has catalysed significant progress in digitalized registration and national reforms, its broader promise of universal legal ID and nationality for every child in the Community has only been partially achieved, leaving critical gaps that need harmonization and regional follow-through.

8. East African Community Gender Policy

The EAC Gender Policy notes that cross-border migration poses a higher risk to women than men, including such risks as exploitation, poor and hazardous working conditions, denial of labour rights, trafficking in persons, intimidation and extortion at borders, and sexual harassment and assault. It also notes that the EAC area lacks gender-disaggregated data on migration.¹⁰³

The Policy calls for the review of regional and national immigration policies, laws and procedures to make them gender-equity compliant, and for EAC to foster regular policy dialogue and strengthen partnerships to ensure gender responsive programming. The policy also calls for EAC and partner States to protect the rights of migrants in line with the provisions of the Treaty for the Establishment of the East African Community and international law, including by addressing smuggling and trafficking of migrants. It calls on the secretariat of EAC to mainstream gender throughout its migration management policies and strategies.¹⁰⁴

As of 2025, institutional foundations had been partially laid; the secretariat of the EAC had established a dedicated gender unit to guide implementation, and gender considerations feature in broader Community development and migration strategy settings.¹⁰⁵ In addition, EAC, alongside IGAD, has recognized the importance of collecting and integrating gender-disaggregated data in migration policies.¹⁰⁶ However, visible data outputs – especially comprehensive gender-disaggregated migration statistics – remain limited, although the launch of the first edition of the East African Community International Migration Statistics Report (2022) has demonstrated progress that can be built on in future.¹⁰⁷

Significant gaps persist in translating policy intent into measurable outcomes. The region continues to suffer from limited availability of gender-disaggregated

¹⁰³ Secretariat of EAC, "East African Community gender policy" (Arusha, EAC, 2018).

¹⁰⁴ Ibid, pp. 29–30.

¹⁰⁵ Secretariat of EAC, EAC Strategic Plan for Gender, Youth, Children, Persons with Disability, Social Protection and Community Development 2012-2016 (Arusha, EAC, 2012).

¹⁰⁶ Njeri Karuru, Bitania Lulu Berhanu and Generose Minani, "Advancing gender equality and human mobility" in *The State of Migration in East and Horn of Africa Report 2022*, Abebe and Mukundi-Wachira, eds., p. 117.

¹⁰⁷ Secretariat of EAC, East African Community International Migration Statistics Report - Edition One.

migration data, in particular for female refugees, stateless persons and migrant workers, making it difficult to inform gender-responsive programming or evaluate gender-based protection outcomes.¹⁰⁸ As of 2025, there was no documented evidence that national immigration laws or procedures across EAC countries had undergone systematic gender-equity reviews or amendments. Moreover, while policy dialogues may occur under broader EAC development forums, there is no evidence of sustained, migration-focused gender dialogues or regional frameworks targeting the protection of female migrants, including mechanisms against trafficking or smuggling. Consequently, the Gender Policy's promise to enhance migration governance and safeguard female migrants has seen limited realization, reflecting the need for stronger implementation mechanisms, monitoring and evaluation systems, regional reporting and capacity-building to advance gender-responsive migration governance within EAC.

9. East African Community E-Commerce Strategy

The Strategy recognizes that one of the critical areas for inclusion in a comprehensive approach to improving the legal and regulatory frameworks for e-commerce within EAC is digital ID. It also identifies data privacy, management and personal data protection as critical areas for intervention, which would also support the realization of legal ID.

As of mid-2025, notable progress in implementing the e-Commerce Strategy includes the validation of an action plan for the harmonization of e-transaction legislation, a cornerstone for creating a legally interoperable digital market, along with updates to a monitoring and evaluation tool to track implementation outcomes – efforts that signal a move toward regional coherence in e-transaction rules and oversight mechanisms. In addition, EAC has launched the World Bank-funded Eastern Africa Regional Digital Integration Project, aimed at advancing digital market integration in Eastern Africa by enhancing cross-border broadband connectivity, data flows and digital trade. Other initiatives include developing the groundwork for the Cross-Border Payment System Masterplan, which is vital to securing financial transactions and, by extension, trust in digital ID.

Despite these advances, the Strategy's transformative goals in digital ID and personal data protection face critical obstacles. As of 2025, there was inadequate progress in regional harmonization of digital ID schemes, and the operationalization of interoperable “know your customer” provisions, or unified e-ID standards. Similarly, comprehensive personal data protection frameworks that would bolster legal ID assurance and consumer confidence remain underdeveloped across EAC partner States. While the Strategy sets a solid policy foundation, actual implementation remains nascent, with further legal, institutional and technological alignment required.

¹⁰⁸ Karuru, Berhanu and Minani, “Advancing gender equality and human mobility”.

10. IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa

On 16 June 2023, the ministers responsible for refugee affairs in IGAD and EAC adopted the joint IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa, in which they affirmed their continued commitment to State obligations under the Convention relating to the Status of Refugees and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.¹⁰⁹ The ministers also agreed to develop, adopt and implement comprehensive regional refugee management policies aimed at harmonizing refugee protection standards across the IGAD and EAC areas of operation in line with international protection standards. They also agreed to adopt or amend national asylum laws to permit asylum-seekers to be consistently protected from refoulement and granted access to quality national asylum procedures, documentation and effective protection. In addition, the ministers agreed to ensure that refugees born in host countries have access to birth registration and certification, including late birth registration to prevent statelessness.

As of 2025, implementation of the Declaration's main commitments are largely preparatory rather than operational. While the policy architecture is being shaped through consultations and policy drafting, there is limited evidence that comprehensive regional refugee management policies have been formally adopted or translated into binding regional mechanisms. Amendments to national asylum laws aligned with non-refoulement norms and standardized procedures also remain inconsistently applied across the partner States of the two regional economic communities. For example, although the Declaration underscores the importance of birth registration for refugee-born children, there remain significant legal, policy and operational obstacles to the provision of birth certificates for refugee children in the region. Meanwhile, the region continues to host large refugee populations – over 5 million in 2023 –, amplifying the urgency of the matter. Consequently, while the Declaration sets out an essential roadmap for harmonized protection and legal ID assurances, its translation into tangible, measurable change remains at an early stage as of 2025.

11. East African Community Labour Migration Policy

In January 2024, EAC partner States adopted the Labour Migration Policy.¹¹⁰ The policy serves as a crucial framework and benchmark for partner States within EAC. It provides guidelines for the development, strengthening, revision and harmonization of labour migration policies across the region. At its core, the policy is aimed at promoting effective governance, regulation and protection of the rights of migrant workers, while also maximizing the benefits of labour migration. The policy is structured around three strategic objectives:

- Strengthening labour migration governance: enhancing mechanisms for the management and oversight of labour migration processes

¹⁰⁹ IGAD and EAC, IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa.

¹¹⁰ Secretariat of EAC, Labour Migration Policy (Arusha, EAC, 2024).

- Protection and empowerment of migrant workers: safeguarding the rights and well-being of migrant workers, ensuring their empowerment within host countries
- Maximizing benefits for development: leveraging labour migration as a driver for socioeconomic development within the EAC area

The accompanying implementation plan spans the period 2025–2030 and outlines 10 priority areas, including governance mechanisms, policy harmonization, worker protection, social security portability, qualification recognition, ethical recruitment, remittances, skill validation, exchange programmes and labour market information systems. However, as of 2025, implementation remains incipient, with efforts still largely centred on aligning national policies with regional standards, crafting implementation roadmaps and engaging technical stakeholders, such as the African Union Joint Labour Migration Programme. Partner States have yet to operationalize regional systems, including mutual recognition frameworks, social protection portability mechanisms and improved data infrastructure.

However, the Policy does not directly address legal ID or statelessness, nor are there targeted provisions ensuring migrant workers' access to ID documents or protection against statelessness.

B. Regional migration and legal identification initiatives

1. The East African Community e-Passport

EAC, at the **17th Ordinary Summit of the East African Community Heads of State** held on 2 March 2016, launched the East African e-passport, which incorporates such biometric data as fingerprints and facial recognition technology, enhancing security and reducing the risk of ID fraud. This ensures that travellers can be reliably authenticated at border checkpoints, bolstering confidence in the integrity of the travel document.

2. Northern Corridor Integration Project

EAC has established the Northern Corridor Integration Project on the basis of article 8 of the Protocol on the Establishment of the EAC Common Market, which commits the partner States to establish a common system for issuing national ID documents to their nationals in order to enable mutual recognition of foundational ID for cross-border movement of EAC citizens.¹¹¹ Since 2014, Kenya, Rwanda and Uganda have begun to recognize each other's national ID cards as valid travel documents. EAC is also in the process of considering additional use cases for the Project, including the provision of e-services. Such international development

111 Melis U. Guven, Himanshi Jain and Clement Jean Edouard Joubert, *Social Protection for the Informal Economy: Operational Lessons for Developing Countries in Africa and Beyond* (Washington, D.C., World Bank Group, 2021).

partners as the World Bank have provided support for the Project by conducting a study on options for mutual recognition of national ID in EAC.¹¹²

Other regions have established similar projects, such as the West Africa Unique Identification for Regional Integration programme. While these projects promise progress in the continent-wide integration of foundational ID systems, one concern has been the lack of technical interoperability, owing to the adoption of different technical standards and software across the continent.¹¹³

3. One-stop border posts

In 2016, the East African Legislative Assembly enacted the One Stop Border Posts Act 2016, which established one-stop border posts, specialized border crossing points aimed at streamlining and facilitating the trade and movement of goods and people between neighbouring countries. One-stop border posts are designed to consolidate border control procedures and services in a single location, reducing duplication and inefficiencies. The concept further refers to the legal and institutional framework, facilities and associated procedures that enable goods, people and vehicles to stop in a single facility in which they undergo necessary controls, following applicable regional and national laws to exit one state and enter the adjoining state.

Importantly, one-stop border posts are a pillar of integrated border management, involving the integration of various border agencies, such as customs, immigration and quarantine, into a coordinated and harmonized approach. This allows for synchronized processes and procedures, enabling faster and more efficient clearance of goods and travellers. Section 22 of the Act requires EAC partner States to develop and implement comprehensive mandatory ICT requirements at their common borders to enable seamless, reliable and effective data exchange of high integrity and in an appropriate format within and between the various agencies of the adjoining partner States operating at the common borders.

C. Institutional and governance structures

EAC has created different forums to coordinate regional efforts at addressing migration, refugee issues, legal identification and digitalization.

Labour migration issues are addressed at the Forum of Ministers responsible for Labour and Employment, which is constituted by technical officials and policymakers and permanent and undersecretaries from the member States. The Forum is instrumental in the development of regional strategies and documents related to labour and employment, including migration.¹¹⁴

Immigration-related issues are addressed by the EAC Chiefs of Immigration, who focus on the development of harmonization procedures. Their outputs include the

¹¹² African Union, AU Interoperability Framework for Digital ID, p. 10.

¹¹³ Musoni, Domingo and Ogah, "Digital ID systems in Africa: Challenges, risks and opportunities".

¹¹⁴ Oucho, Kandilige and Kazmierkiewicz, Labour Mobility and Regional Integration in East and Horn of Africa, p. 87.

EAC e-immigration information system, the EAC Regional Strategic Framework for e-Immigration (2014) and the One Stop Border Posts Act.

Within EAC, the Secretary General's Forum coordinates regional labour migration matters. In addition, there is a Regional Monitoring Group on the Implementation of the EAC Common Market Protocol that meets every three to six months to assess progress made in by member States in that context.

D. Progress, challenges and recommendations

1. On migration governance

a. Progress and opportunities

- EAC has enacted regional legal and policy frameworks that provide the basis for the establishment of regional migration governance and border management systems. These include the Treaty for the Establishment of the East African Community, the Protocol on the Establishment of the EAC Common Market, the 2014 Regional Strategic Framework for e-Immigration, the 2016 One Stop Border Posts Act and the 2024 Labour Migration Policy.
- EAC has also enacted regional legal and policy frameworks for regionally coordinated mechanisms on the management of refugees and harmonization of partner State refugee management policies, laws, strategies and programmes. These include the 2013 EAC Protocol on Peace and Security, the 2023 IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa, and the 2024 Labour Migration Policy.
- The integrated border management system has been adopted by EAC and implemented by partner States.

b. Challenges

- The main weakness of the Treaty for the Establishment of the East African Community is that it vests the freedoms and rights in citizens, and excludes non-citizens, including migrants and stateless persons.
- EAC partner States have enacted inconsistent national legislation on migration issues, thereby undermining the adoption and implementation of regional policy frameworks on migration.
- EAC has capacity constraints and financial, infrastructural and technological resource constraints, affecting how it handles migration issues at the regional level.¹¹⁵

¹¹⁵ Linda Ouchou, Labour Migration Governance: Gaps and Challenges in Selected Member States in ECOWAS, EAC and SADC (Addis Ababa, International Organization for Migration, 2024).

c. Recommendations

To address the challenges outlined in the previous sections, the following recommendations should be considered by EAC:

- Develop regional legal frameworks specifically addressing refugee migration issues in detail. So far, it is only non-enforceable policy frameworks that address these issues.
- Create greater awareness about migration issues among relevant State and non-State stakeholders engaged in migration issues, so as to ensure the development and implementation of policies, legal frameworks and practices that are consistent with regional and international law obligations.
- Make provision for a dedicated team of migration experts to coordinate regional migration programmes and assist partner States in complying with regional policy and legal commitments.
- Work with international partners to ensure access to sufficient financial, infrastructural and technological resources to implement the regional migration governance programmes.

2. On legal identity**a. Progress and opportunities**

- The Protocol on the Establishment of the EAC Common Market facilitates progress by providing for the establishment of a common standard system of issuing national ID documents to their nationals, thereby providing a strong legal basis for the issuance of legal ID.
- EAC has since operationalized and issued an EAC passport for citizens of partner States.
- EAC has adopted various policy frameworks that call on EAC organs and partner States to enforce the universal birth and death registration systems, citizens' right to a nationality, vulnerable refugees and stateless persons. These include the 2016 EAC Child Policy, the 2016 EAC Gender Policy and the 2023 IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa.

b. Challenges

- The main weakness of the Treaty for the Establishment of the East African Community is that it vests the freedoms and rights in citizens, and excludes non-citizens, including migrants and stateless persons.
- EAC partner States have enacted inconsistent national legislation on the operationalization of legal ID, thereby undermining the adoption and implementation of regional and international legal and policy frameworks.

c. Recommendations

To address the challenges outlined in the previous sections, the following recommendations should be considered by EAC:

- Extend the right to legal ID beyond EAC citizens, to include refugees and stateless persons.
- Explicitly incorporate provisions of international law on the right to legal ID in subregional legal frameworks.

3. On statelessness

a. Progress and opportunities

- EAC partner States have individually adopted legislative and policy frameworks to address statelessness. For example, Kenya has adopted time-limited legal provisions for easier access to registration as citizens for persons who have been resident in the country since its independence. In addition, Rwanda has legislated for protections against statelessness, especially for children born in the country. The United Republic of Tanzania has also made provision for the naturalization of refugees in the country, while Uganda has established a mass registration process for a new ID card, a process that allows persons who are not Ugandan citizens by birth to acquire citizenship.
- On the basis of its recent joint declaration with IGAD, coupled with its overlapping membership with IGAD and ICGLR, EAC has an opportunity to leverage the legal and policy frameworks of these institutions, thereby saving time and resources.

b. Challenges

The following challenges have undermined efforts at the EAC level to eradicate statelessness:

- The Treaty for the Establishment of the East African Community and the Protocol on the Establishment of the EAC Common Market do not address statelessness, and the latter merely directs partner States to comply with their international law instruments on statelessness.
- While some partner States have individually made efforts to reduce statelessness, their national laws are inconsistent and require harmonization.
- There is a general lack of cooperation between EAC partner States in resolving cases of statelessness, especially relating to refugees.
- There is insufficient data on the number of stateless persons in EAC owing to insufficient data collection and sharing between partner States, making policy and legal interventions lack an evidence base.

c. Recommendations

To address the challenges outlined in the previous sections, the following recommendations should be considered by EAC member States:

- Develop specific regional legal frameworks specifically addressing statelessness issues in detail.
- Promote the harmonization of the national laws and practices of member States in relation to statelessness, such as through the incorporation into national legislation of ICGLR policy recommendations.
- Establish regional agencies to exchange information and coordinate adjudication procedures for establishing nationality for stateless persons.
- Jointly train regional border officials on the standardized handling of statelessness cases.
- Strengthen compliance mechanisms through a regional monitoring mechanism.
- Adopt measures to increase information collection and sharing on statelessness within and between member States.

4. On digital legal identification**a. Progress and opportunities**

- The Protocol on the Establishment of the EAC Common Market, which has been ratified by all partner States, provides a good foundation for the development of electronic ID.
- EAC has adopted various policy frameworks that prioritize digital ID, including the 2005 EAC Regional e-Government Framework, the 2014 Regional Strategic Framework for e-Immigration and the 2022 EAC E-Commerce Strategy.
- EAC has also developed an e-immigration policy, which, as of 2021, was awaiting inputs and approval by partner States.
- As of December 2023, out of the eight EAC partner States, four countries (the Democratic Republic of the Congo, Kenya, Somalia and Uganda) had launched an electronic ID system, while Burundi, Rwanda and the United Republic of Tanzania were in the planning stage. South Sudan has not developed a digital ID system.¹¹⁶
- All of the eight EAC partner States had enacted electronic ID regulations, although only six had enacted data protection laws (the Democratic Republic of the Congo, Kenya, Rwanda, Somalia, Uganda and the United Republic of Tanzania).

¹¹⁶ Musoni, Domingo and Ogah, "Digital ID systems in Africa: Challenges, risks and opportunities", p. 11.

- International development partners have been willing to partner with EAC and its partner States to support e-immigration and specific digital ID initiatives at the regional and partner State level.
- During the COVID-19 outbreak and its aftermath, EAC and its partner States invested in digital infrastructure to keep borders open, including smart gates at border posts and biometric ID systems. The digital ID efforts can leverage these infrastructural developments.

b. Challenges

- There is still limited harmonization of policy and legal frameworks, systems and operations relevant to digital ID and e-immigration across EAC partner States. This includes a lack of uniformity in the implementation of the Protocol on the Establishment of the EAC Common Market.
- There is insufficient integration of database management systems at the secretariat of EAC and the partner State levels.
- EAC lacks regional technical guidelines and standards to guide the implementation of e-immigration.
- EAC lacks standard enforcement of regional policy and legal frameworks as enforcement is delegated to the partner States' national agencies.
- There is a wide digital divide between the partner States, who are at different stages of developing and implementing electronic ID systems.
- Most of the partner States lack sufficient digital technology infrastructure to connect the various physical and virtual immigration facilities across the countries, such as the border posts.
- There is still no common population register at the regional level for identification of EAC citizens. This is also the case for refugees and stateless persons.

c. Recommendations

To address the challenges outlined in the previous sections, the following recommendations should be considered by EAC member States:

- Establish regional policy and legal frameworks that promote lawful data-sharing between member States, including data protection laws and cybersecurity laws.
- Jointly develop and adopt regionally interoperable digital and physical infrastructure for digitalized ID that facilitates integration and digitalization in the region.
- Adopt a rights-based approach to the digitalization of legal ID, so as to ensure that the rights of already vulnerable migrants, such as refugees and stateless persons, are not further infringed through risky digital infrastructure.

- Close the digital divide within and between member States by adopting regional technology policies that promote public and private sector investments in digital technology infrastructure and universal access, such as through lower cross-border communication costs.

VII. Conclusion and policy recommendations

Improving migration statistics and securing good legal identity for migrants in the East Africa is central to achieving the Sustainable Development Goals. Accurate migration statistics enable evidence-based policies, while the provision of legal ID – including for refugees, migrants and stateless persons – directly underpins inclusive access to education, healthcare, social protection and employment. Strengthening migration governance, eradicating statelessness and adopting digital legal ID are therefore not only humanitarian imperatives, but also critical pathways to building resilient institutions, fostering regional integration and promoting inclusive and sustainable development.

This study has employed an analytical framework grounded in international best practice principles. For migration governance, these include adherence to international standards and migrant rights, evidence-based whole-of-government policy approaches and effective engagement with stakeholders. On legal ID, the study underscores universality, inclusivity, whole-of-government coordination, and robust legal and governance frameworks, coupled with privacy, security and interoperability. For statelessness, the guiding framework rests on the identification of stateless persons, the prevention of statelessness, the reduction of statelessness and the protection of stateless persons. On digital legal ID, the study highlights the importance of strong legal and institutional safeguards, social inclusion, technical interoperability, phased transitions and a rights-based approach.

The African Union, IGAD, ICGLR and EAC play a necessary role in advancing migration governance, legal ID and the eradication of statelessness in the region. These institutions have the convening power to harmonize legal and policy frameworks, promote mutual recognition, facilitate cross-border cooperation and mobilize resources, capabilities that individual States often lack. Their engagement is critical in ensuring that commitments to free movement, regional integration and inclusive identification are translated into practical outcomes.

Collectively, these institutions have made tangible progress. The African Union has articulated continental visions for migration governance, digital legal identification and integrated border management, underpinned by frameworks including: the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Rights of Residence and Right of Establishment; the Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa; the Malabo Convention; and the Digital Transformation Strategy for Africa. IGAD has developed the Protocol on Free Movement of Persons in the IGAD Region and policy frameworks supporting refugee protection and cross-border migration governance. ICGLR has adopted action plans on the eradication of statelessness and established partnerships with United Nations entities to provide technical and financial support. EAC has operationalized practical frameworks, such as one-stop border posts, an integrated border management system and the

EAC passport, while also adopting policies on child rights, gender, labour migration and e-immigration. These initiatives reflect the region's growing commitment to harmonization, inclusivity and digital transformation.

Despite these achievements, significant challenges persist. Across all organizations, low levels of ratification, weak incorporation of frameworks into national legislation and inconsistent national legal systems undermine regional commitments. Migration governance continues to be weakened by security concerns, resource limitations and fragmented institutional capacities. Legal ID initiatives face structural obstacles, including weak data protection safeguards, limited interoperability and the exclusion of migrants and stateless persons. On statelessness, while policy commitments exist, binding regional instruments remain scarce, data on stateless populations is inadequate, and States lack effective cooperation mechanisms. In the sphere of digital ID, countries face sharp digital divides, limited financial and technical resources, poor regulatory frameworks and the risks of surveillance and data insecurity.

To sustain progress and address these challenges, a number of priorities emerge. Intergovernmental organizations should promote universal ratification and incorporation into national legislation of major international and regional legal instruments. The harmonization of legal frameworks, especially on migration governance, civil registration, nationality and digital ID, must be accelerated. Regional bodies should establish dedicated, well-resourced technical agencies to coordinate data exchange, digital infrastructure and statelessness determination. A rights-based approach to both analogue and digital ID systems is essential to avoid the further exclusion of vulnerable groups. Pooling resources and fostering interregional cooperation will be critical to overcoming the financial, technological and institutional gaps currently limiting implementation.

In conclusion, East Africa stands at a pivotal juncture. The region's demographic trends, mobility dynamics and development aspirations make improved migration statistics and robust legal ID systems urgent priorities. The regional approach to migration governance, legal ID and statelessness in East Africa demonstrates both encouraging progress and persistent gaps. The African Union and its regional economic communities have laid down strong normative frameworks and established operational mechanisms, yet their transformative potential is constrained by weak enforcement, resource scarcity and fragmented national commitments. To sustain progress, the African Union, IGAD, ICGLR and EAC must consolidate political will, harmonize national and regional frameworks and pool resources to build inclusive, rights-based systems of ID and migration governance.

Ultimately, good legal identity and effective migration governance are not only legal obligations, but also enablers of regional integration, security and sustainable development. Strengthening these foundations in East Africa will bring the region closer to achieving the vision of free movement, inclusive growth and the eradication of statelessness. The task ahead is therefore not merely technical, but also profoundly political: to transform regional commitments into lived realities for migrants, refugees, stateless persons and citizens alike.

