

Reclaiming Legal Identity and Human Dignity: Rethinking Statelessness and Refugee Documentation for Congolese Populations in Burundi Through Rights-Based Policy and International Legal Reform

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ABSTRACT	ARTICLE DETAILS
Decades of regional instability and protracted forced displacement in the sub-region of Central Africa led to statelessness among Congolese refugees living in Burundi, with its capital, Bujumbura. I would remind you that the Democratic Republic of Congo has now a member of the East African Community since 2022. Hundreds of thousands of Congolese have been hosted there since, but the Burundian government has failed not only to offer them identification, documentation or a practical route to naturalization, but also failed to provide this for tens of thousands of them who have lived there for over 20 years. In the absence of any legal civil status documents (for example: birth certificates, national ID cards, or refugee cards), refugees face extreme difficulty accessing basic services like education, health care, formal employment and civil status. This legal vacuum not only constitutes a breach of the most basic human rights of these people following the 1954 Convention Relating to the Status of Stateless Persons, but perpetuates their inter-generational exclusion as well as administrative invisibility. This article presents an interdisciplinary analysis of the legal and structural framework of statelessness in Burundi. Using an interdisciplinary approach that combines doctrinal legal analysis, policy analysis, and comparative design inquiry, the research finds significant structural deficiencies in national and regional legal frameworks, namely, discriminatory nationality laws, poor enforcement of pivotal international treaties and poor inter-agency coordination in civil registration. The paper also reflects critically on the limitations of existing refugee documents issued by UNHCR and Burundian authorities. To move forward, the paper presents an original rights-based model focused on a national “Refugee Green Card” regime (a transitional legal identity). This model would provide Congolese refugees with a formal, biometrically secured legal status, affording them access to basic services and a pathway to citizenship. Based on decentralized identity on the blockchain, and consistent with the East African Community (EAC) integration goals first and foremost, protection, empowerment, and legal inclusion are emphasized in this model. And, as this paper concludes, the return of legal identity to stateless refugees is not just a legal and moral imperative, but it is rather a practical means to contribute to better governance, regional solidarity and social cohesion in fragile host states such as Burundi. KEYWORDS: statelessness; Congolese refugees; Burundi; legal identity; human rights; refugee documentation; green card policy; nationality law; biometric ID; blockchain; UNHCR; civil registration	Published On: 06 January 2026 Available on: https://ijmir.com

CHAPTER 1: INTRODUCTION, LEGAL, AND POLICY FRAMEWORK

1.1. INTRODUCTION

Before venturing into the historical and political environment surrounding Congolese refugees’ statelessness in Burundi, it is important to define the conceptual boundaries and focus of this paper. Analytical framework and research objectives, research

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questions are focused, and methods used are described in the introduction. In so doing, it contextualizes the issue of Congolese refugees against broader academic and policy discourses on nationality, refugee protection and human rights, which it embeds within competing historical and contemporary narratives, and presents the study as both an academic intervention and a vehicle for policy development. The following background text lays out the context needed to comprehend the continued displacement of Congolese populations in Burundi and the institutional, legal, and structural terms in which they remain excluded from formal recognition.

1.1.1. Background and Context

For the past two decades, Burundi has been home to tens of thousands of refugees from the Democratic Republic of the Congo (DRC), who have fled war, persecution and chronic insecurity. While they have been displaced for decades and integrated into Burundian society in informal ways, these refugees remain in a legal and administrative limbo. They have no official documents or legal status, making them, for all practical purposes, perpetually stateless.

Deprived of birth certificates, national identity cards, or civil registration, Congolese refugees in Burundi are systematically being sidelined by society. They can't go to school, see a doctor, work or seek help from the authorities. They also lack the right to legally register marriages or the births of their children, perpetuating the intergenerational cycle of legal invisibility. This lack of recognition adversely affects their ability to move, within Burundi as well as across the border. For millions, legal identity in name only stands between them and access to services as well as dignity, protection and hope.

This is in direct violation of Burundi's international commitments under the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, both of which enshrine the right to nationality and the responsibility of states to reduce statelessness. Article 15 of the Universal Declaration of Human Rights and Article 5 of the African Charter on Human and Peoples' Rights recognize the entitlement of everyone to a legal identity and to recognition before the law. Despite being the focus of attention by institutions such as the UNHCR and the African Union, the absence of country-specific research on the ways that the laws, institutions, and bureaucratic practices of Burundi itself have facilitated this crisis is striking. The international conversation about refugee protection often glosses over the structural legal and barriers to justice and to legal personhood that Congolese refugees in Burundi face. Such gaps encompass discriminatory nationality law provisions, the lack of clear naturalization procedures, as well as broken and disjointed civil registration systems, and a lack of data harmonization across relevant institutions.

This paper intends to fill the gap by a thorough, interdisciplinary examination. It analyses the international, regional, and domestic legal landscapes governing nationality and refugee documentation, scrutinizes the bureaucratic inadequacies and institutional barriers in Burundi's refugee regime, and underscores the gendered scaffolding of identity erasure. Women and children are especially vulnerable to statelessness as a result of patriarchal legal frameworks and discriminatory practices.

Importantly, the paper also puts forward new policy suggestions for meeting urgent documentation needs and addressing complex systemic reform challenges. It presents a human-rights oriented type of digital identity that implies a biometric-enrolled and blockchain-based scheme which offers a privacy-preserving, decentralized, and scalable approach to identity recognition. Also examined is the possibility of establishing a national 'Green Card' refugee system inspired by practices in the United States and China, taking into consideration Burundi's legal, technological, and administrative infrastructure. This system would give Congolese refugees an official status that provides them with access to services, work permits, the right to freedom of movement, and an accelerated residency process - without immediately attributing nationality.

The green card system offered in this paper corresponds to contemporary global drifts in immigration control and refugee shelter. It is a combination of temporary protection and permanent legal inclusion, an interim status that fills a void between humanitarian aid and legal citizenship. This policy experiment may not only act as a protection tool for refugees, but also as an administrative relief for the state of Burundi, and as a means towards regional legal harmonization within the framework of the East African Community (EAC).

1.1.2. Research Objectives

The reason for writing this article is not only to **document injustice**, but also to **propose pathways for dignity and inclusion**. It offers knowledge that empowers readers, advocates for refugees, and provides lessons for administrations and regions facing similar crises.

About the political, legal, and historical roots of the stateless condition of Congolese refugees in Burundi, the following interrelated objectives are being sought in the study:

1. To identify, and analyse, systemic, institutional and administrative barriers to access to legal identity in the context of extant regimes of refugee documentation.
2. To examine the gendered implications of legal exclusion, including its impact on women's transmission of nationality to children and access to civil documentation.
3. To recommend a technology based digital ID model accompanied by a green card system, based on human rights law and sensitive to the legal and administrative make up of Burundi.

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4. To propose scalable and situation-specific legal and policy reforms consistent with international standards and regional frameworks.

To the refugees in general, this article contributes to awareness and policy debates, and highlights the benefits that could include:

- Stronger advocacy for **universal birth registration** and **legal aid programs**.
- Pressure on governments to implement the **1954 and 1961 Statelessness Conventions**.
- More inclusive policies for access to **education, healthcare, and formal employment**.
- Greater recognition of refugees' **psychological needs** and dignity.

Ultimately, the article is written as a small step toward amplifying refugees' voices, showing that they are not just "statistics," but human beings with dreams, fears, and rights.

The analysis can be applied beyond Burundi. Many countries in Africa, the Middle East, and Asia face similar challenges with refugees and returnees who fall through nationality gaps. Readers can apply the framework and lessons to cases such as:

- Rohingya in Myanmar/Bangladesh.
- Nubians in Kenya.
- Palestinian refugees in Lebanon.
- South Sudanese returnees after independence.

1.1.3. Research Problem and Questions

This article is inspired by the invisible crisis of statelessness in Burundian refugee camps. All too frequently, the predicament of these refugees is regarded as little more than a mundane, administrative matter of lost papers. The hope in writing this piece is to humanize statelessness, to reveal its long historical roots in the land of the Great Lakes, and to expose the kind of havoc it wreaks upon entire generations. Writing about it is also a form of breaking the silence to which statelessness owes much of its success, since the world does not see or hear.

The problem of statelessness affecting Congolese refugees in Burundi is more than a matter of failure to comply with the law, but it is a systemic human rights nightmare, violating dignity, opportunities, and security for thousands of people. These people exist without their country of birth or country of refuge choosing or allowing them to exist, and as a consequence have no real legal protection or any hope of a constructive future. This condition is often passed from one generation to the next, as those born in camps inherit the disorder and the trauma, and are marginalized. Gender-based nationality laws leave mothers feeling powerless, and families are not allowed to bury their beloved with respect. Without legal identity, there are tangible barriers to education, healthcare, financial inclusion and even mental health. The research questions that follow are accordingly:

1. What does statelessness look like in the lives of Congolese refugee inhabitants of Burundian camps in, particularly for identity, education and family life?
2. Which structural, legal, and institutional weaknesses allow for this in Burundi's legal and administrative structures?
3. How do gender and generational dynamics shape the experience of statelessness amongst refugees?
4. How do refugees themselves make sense of and negotiate the impact of statelessness?
5. What are lessons learned from regional and global policy models to consider for a sustainable solution to the issue of statelessness in Burundi?

1.1.4. Methodology

In order to recover the complexity of the statelessness crisis, this research follows a qualitative approach that is interdisciplinary in nature and that combines doctrinal legal research, empirical aggregation and policy design thinking.

Legal Review and Implications: The provisions of relevant international and regional legal instruments, including the 1951 Refugee Convention, the 1954 and 1961 Statelessness Conventions, the African Charter on Human and Peoples' Rights, CEDAW, and Burundi's domestic nationality laws are examined fully. It is in this sense, that this review permits to evaluate Burundi's obligations and shortfalls of compliance.

Institutional and Administrative Review: This article examines ONPRA, the Ministry of Interior, local civil registries and the judiciary, looking at government processes, documentation systems, and the resulting systems and mechanisms as well as any barriers to registration, naturalization, and documentation.

Analysis: In the absence of access to the field, the report relies on reports and information from UNHCR Burundi, Refugees International and Ligue Iteka and other NGOs, to catalogue the patterns of denial of documentation, backlogs of registration and exclusionary practices.

Refugee Testimonies and Experiential Evidence: Part II of the project relies on testimonial data collected by non-states actors to humanize the doctrinal analysis and present the real-world implications of statelessness. "They give special attention to issues such as women who can't register their children, or young people who can't go to school because they have no identity papers."

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Analysis and Technological Innovation: This study uses design thinking to imagine a digital identity and green card model. We conduct a comparative assessment on biometrics and blockchain-based national identity system between Kenya, Rwanda and Uganda in terms of feasibility and risks.

Ethical Consideration: The study adopts a stringent ethical point regarding refugee data privacy, informed consent and non-discrimination. Any effectively human-centered options are based on informed consent, transparency and community engagement. Thus, by combining doctrinal legal analysis with the lived experiences of refugees and utopian aspirations for technology, this thesis not only delves into the foundations of statelessness in Burundi, but also creates a legal paradigm and pragmatic, rights-based process for statelessness eradication.

1.1.5. Significance of the Study

This is not an academic exercise but a moral pursuit to record the voices and realities of those sucked under by law and bureaucracy into invisibility. The importance of these findings is such that they could raise refugee voices from the periphery of policy debate to the forefront. By centering the lived experiences of Congolese refugees in Burundi, the study aims to humanize legal categories and turn them into specific human beings and their stories, to which policymakers must listen.

First, it adds to a nascent literature that focuses on the interplay between statelessness, forced displacement, and institutionalized exclusion. Second, it offers an evidence base for the design and implementation of identity reforms, for e.g., refugee green card, regional digital ID system, that meet human rights standards as well as those relevant to regional integration.

This study thus importantly provides local and global actors with a lens on which to recognize statelessness as not just a peripheral issue, but rather a fundamental obstacle to achieving sustainable development, gender equality and social justice in the Great Lakes area. By telling the story of people like Josué, Angéline, Jean-Pierre, Espérance and Clarisse, it makes the case that the road to policy for inclusion must always start with reality on the ground.

1.1.6. Limitations of the Study

Although this study presents an in-depth analysis of the statelessness crisis of Congolese refugees in Burundi, some limitations should be recognized. First, research is based mainly on secondary sources, NGO reports, reports from international and local NGOs, and testimonies obtained in the past, and not only on current direct work and field time, and on primary data. This dependence might limit the depth of localized, community-content-specific perspectives. Second, the dynamic changes taking place in the political and administrative context will also affect the contemporaneity of some of the findings, especially refugee governance and regional integration with the East African Community (EAC) in Burundi. Thirdly, the suggestion of a digital identity and green card model by the study, which is based on comparison studies, is theoretical and therefore demands further scrutiny to determine its practicability, scalability, and societal acceptability in Burundi's context. Finally, due to the topic's focus, not all aspects of statelessness, for example, psychological distress, informal strategies of coping, or the impact of transnational networks, have been thoroughly explored, and these are kept as topics for further research.

1.1.7. Expected Outcomes

The expected outcomes of this research extend far beyond academic inquiry, aiming to produce practical and transformative effects for both refugees and the Burundian state. At the legal and policy level, the study anticipates that its findings will encourage the Burundian government to revise and strengthen its legal frameworks governing nationality, civil registration, and refugee protection. By exposing the inconsistencies between national laws and international commitments, this research aspires to influence reforms of the 2000 Nationality Code, ensuring gender equality in citizenship transmission and establishing clearer naturalization pathways for long-term refugees. Such outcomes would align Burundi with international standards under the *1954 Convention on the Status of Stateless Persons* and *CEDAW*, while positioning it as a leader in progressive refugee governance within the East African Community (EAC) and the African Union frameworks¹.

A second expected outcome concerns the introduction of a digital and inclusive identity system, notably through the proposed **Burundian Refugee Green Card**, a secure biometric document that grants refugees long-term residency and access to rights such as work, education, healthcare, and internal mobility. If implemented, this system would represent a radical departure from the current fragmented and exclusionary documentation structures. Beyond its humanitarian implications, the Green Card would also strengthen the state's administrative capacity by improving population data management, taxation, and social services coordination. In my personal view, the success of this digital initiative could redefine the social contract between refugees and the Burundian state, proving that protection and governance can reinforce each other rather than stand in opposition².

Moreover, the research envisions fostering regional cooperation among Great Lakes countries, particularly Burundi, Rwanda, Tanzania, and the Democratic Republic of the Congo, by promoting harmonized frameworks for refugee documentation and data sharing. Such collaboration could transform statelessness reduction into a shared regional objective, echoing the spirit of the *ICGLR*

¹ UNHCR. *Global Action Plan to End Statelessness 2024–2030*. Geneva: UNHCR, 2023.

² World Bank. *Digital ID for Inclusion in Africa: Lessons and Opportunities*. Washington D.C., 2022.

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Declaration on the Eradication of Statelessness (2017). This approach would ensure that refugees do not lose their legal recognition when crossing borders within the East African Community, a recurring problem in protracted displacement settings³.

Equally significant is the empowerment of refugees as active participants in policy reform rather than passive recipients of aid. Through community-based engagement and the creation of refugee advisory councils, this research expects to demonstrate that inclusive policymaking is more sustainable and legitimate when it integrates the voices of those directly affected. From a personal perspective, I believe that such participation can transform governance itself, replacing institutional mistrust with collaboration and restoring agency to marginalized communities.

Finally, this study hopes to contribute both academically and practically to the global discourse on statelessness. Academically, it deepens understanding by situating the Burundian experience within the African and Great Lakes context rather than within Western-centric refugee models. Practically, it provides an implementable policy framework, the Green Card model, that can be adapted by other refugee-hosting nations to balance sovereignty with humanity. Ultimately, the greatest anticipated outcome is not merely institutional reform but an ethical one: a shift in Burundian society's perception of refugees from burdens to contributors, from outsiders to integral members of the community. The success of this transformation will not be measured solely by the number of refugees documented or naturalized, but by the restoration of dignity, belonging, and hope to those who have long lived in the shadows of statelessness.

1.2. Legal and Policy Framework

This chapter sets the current context of what has been said in academic, policy and practice frameworks in relation to Burundian refugees (particularly Congolese refugees) both in Burundi and on the broader refugee stage. It situates the study within the intellectual controversy and policy context, engaging not only theoretical paradigms but also international, regional, and national instruments through which refugee governance is shaped. "To understand statelessness in Burundi, you have to take a deep dive into an interlocking matrix of laws and policies that influence the rights, entitlements, and experiences of those seeking refugee status," its authors say. On the face of it, Burundi has ratified all the major international and African treaties that protect nationality and refugee rights, including the 1951 Refugee Convention and the OAU Convention of 1969⁴. But in reality, there is a great chasm between these commitments and the quality of life that the refugees experience. But as one Congolese mother in Kavumu camp put it: "The law says I should have a name, but in Burundi, I am nobody." These pieces of evidence reveal the sheer contrast between legality and desertion.

As a result, this chapter unpacks these working models by addressing the ways in which they are useful (progressive treaty obligations) and not (systemic limitations, discriminatory practices, enforcement shortfalls). And, it places Burundi in the broader context of the EAC and Great Lakes refugee profile, where regional concerns can further muddle inconsistent national policies⁵. In drawing comparisons and analogies from other national contexts, the analysis lays bare not only what has been tried elsewhere but also highlights where Burundi might find room to be innovative in its approach. One potential tool is a refugee "green card," modeled loosely on both global practices (such as the U.S. Permanent Resident Card) and regional integration experiments⁶. In doing so, the aim is to provide a basis for how reform might be grounded, map out what options exist for change and critically consider the extent to which lessons from other jurisdictions may – or may not be applicable. This framework eventually paves the way to understand why reform is not only desirable, but also a question of urgency, and how Burundi can embark on addressing the refugee statelessness conundrum in a manner that is strategically sensitive to context.

1.2.1. International Legal Obligations

Burundi is a party to several key international legal instruments regarding the rights of refugees and the duties of host countries to prevent and reduce statelessness. Foremost among them are the 1951 Convention Relating to the Status of Refugees, and its accompanying 1967 protocol, which oblige signatories to shield refugees from discrimination and guarantee them the right to have an identity card and basic rights. Burundi is also a party to the 1954 Convention relating to the Status of Stateless Persons, which provides for the right to a legal identity and requires states to issue documentation proving the status of stateless persons.

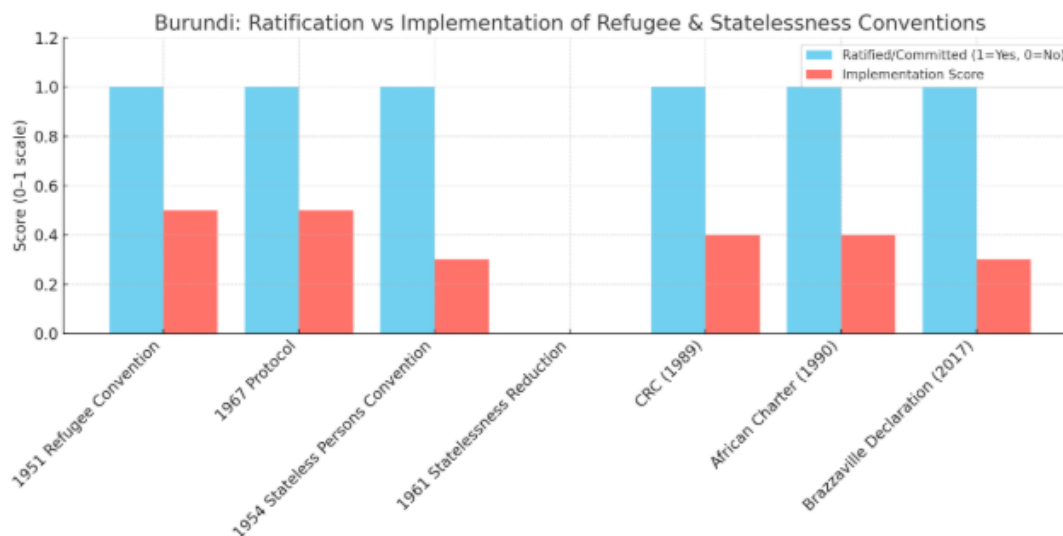
³ International Conference on the Great Lakes Region (ICGLR). *Declaration on the Eradication of Statelessness in the Great Lakes Region*. Nairobi, 2017.

⁴ UN General Assembly. (1951). *Convention Relating to the Status of Refugees*. Geneva. See also Organization of African Unity (1969). *Convention Governing the Specific Aspects of Refugee Problems in Africa*. Addis Ababa.

⁵ East African Community Secretariat. (2019). *EAC Regional Refugee Policy Framework*. Arusha, Tanzania.

⁶ Long, K. (2014). *Rethinking "Durable" Solutions*. *Journal of Refugee Studies*, 27(4), 473–494.

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Here is the first graphic showing the **gap between ratification and implementation of international conventions in Burundi**. It illustrates that while Burundi has ratified many key instruments, practical implementation remains partial or absent.

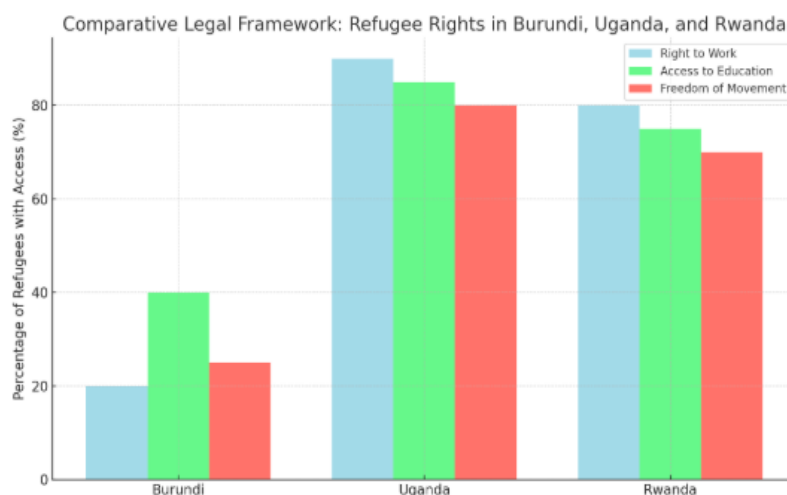
Yet Burundi is not yet a party to the 1961 Convention on the Reduction of Statelessness, which obligates states to grant nationality to those born on their territory who would face statelessness, as shown in this graphic. The non-ratification of this convention significantly hinders a break in intergenerational statelessness for Congolese refugees born in Burundi. Most of these children are de facto stateless, not recognized by the DRC or by Burundi, and unable to acquire nationality under the laws of either state.

These standards set down minimum requirements, not a universal enforcement. There is much room for improvement in actually acting on international legal obligations in Burundi. The lack of legal processes for enacting international conventions and the gap between treaty ratification and national legislation contribute to the crisis of statelessness. For example, while under Article 27 of the 1954 Convention, states are supposed to issue identity papers to stateless people, in reality, Burundian authorities do not provide them to refugees, unless they participate in vague and cumbersome naturalization proceedings.

1.2.2. Regional Legal Commitments and Comparative Framework

Burundi is also a party to a number of African regional human rights instruments, which reaffirm the right to a nationality and legal identity. Article 6 of the African Charter on the Rights and Welfare of the Child provides for the right of the child to a name and nationality from birth. The African Commission's General Comment on Article 6 (2019) calls on states to remove discrimination against women in nationality laws and provide that children born in refugee situations are not stateless.

The 2017 Brazzaville Declaration on the Eradication of Statelessness in Africa by the African Union also provides a roadmap for member states, which involves the recognition of UNHCR documentation and harmonizing civil status procedures. Burundi also belonged to the East African Community (EAC), a regional institution seeking regional integration through harmonization of identity systems. And there are still a few mechanisms in place to enable the recognition of refugee identifications across EAC countries' borders, with refugees being effectively trapped inside Burundi, despite, in theory, having the right to move throughout the region.



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The chart below shows how the East African region has shockingly different refugee rights. Although Uganda and Rwanda have enacted progressive changes that give refugees the right to work, attend education, and move freely, Burundi lags far behind in camp life by preventing refugees from integrating themselves socially and economically. This proves that statelessness and discrimination in Burundi are not ‘natural’ but are the consequences of restrictive national laws, coupled with administrative inertia. I, for one, think that such a side-by-side perspective is vital: to demonstrate to Burundi that viable rights-based alternatives are located in its own regional neighborhood; ones it can realistically adjust and adopt.

From testimonies, interviews made by work and by Human Rights Watch, Tanzania and Kenya were excluded from this number for two reasons. For one, both countries have recently imposed more repressive policies, including encampment rules in Kenya and forced returns in Tanzania (policies that are also completely inconsistent with the “green card,” or even integration model at issue)⁷. Furthermore, Uganda and Rwanda have the most contextually relevant best practices that can potentially transfer to Burundi as a result of common culture, proximity, and similar political conditions. By spotlighting these two, the analysis aims to encourage Burundi to replicate its neighbors’ achievements rather than perpetuate the negative.

1.2.3. Domestic Legal Frameworks

1.2.3.1. Background and context

Burundi’s nationality legislation, specifically Loi No. 1/013 du 18 Juillet 2000, article 8, is, however, ridden with discriminatory and exclusionary provisions that restrict citizenship and access to legal documents. The law is based largely on jus sanguinis (citizenship by descent), does not offer an obvious, automatic pathway to citizenship for children born in Burundi to non-citizen or stateless parents, even when such children are at risk of statelessness.

Furthermore, the Nationality Code also discriminates based on sex. Foreign women married to Burundian men may obtain citizenship by a less onerous process, but foreign men married to Burundian women are not so privileged, as they are not entitled to a preferential naturalization act. Such gender bias conflicts with gender equality under both CEDAW and the African Charter. It also resulted in appalling consequences for the children born in these unions, a great number of whom were not registered and thereby made stateless.

According to article 14 of the 2000 Law, naturalization is one way to receive nationality, however, it is a complex process itself. Candidates must prove that they have lived in a country with refugee status for a specific period which is 10 years, that they have integrated and that they have documentary evidence, a threshold that refugees who have been living for long periods, particularly the fourth or fifth generation victims of the camp-based system with no birth certificates, can never meet⁸. Recalcitrant bureaucracy, poor inter-ministerial cooperation and a lack of centralized digital registration systems also make obtaining legal identity difficult. Based on the same law, article 9 give chances to foreign women married to Burundian males to obtain citizenship upon wedding while for a foreign man married to a Burundian woman must undergo the naturalizations process under article 14. This will affect children born from these different marriages under article 6 and article 7 that stipulate the adoptions. One case can illustrate this: The nationality law’s gender biases have significant human rights implications. For example, documented cases in Ruyigi province reveal Burundian women married to Congolese men whose children have been denied birth registration due to the father’s undocumented status. This denial effectively renders the children stateless and impedes access to education and healthcare⁹.

However, according to article 8, children born in Burundi who would otherwise be stateless can be granted nationality upon proof of statelessness. This provision can be crucial for Congolese refugee children lacking DRC documentation, though it requires formal recognition of statelessness and is not automatic

Civil registration in Burundi is decentralized, under-resourced, and rural populations and populations in camps face logistical barriers such as transportation costs, fees for documents, and long delays in processing. The refugees often speak of being denied access at registration offices because they don’t have parent IDs, marriage certificates, or evidence of legal residency, a set of impossible demands for stateless peoples.

Overall, Burundi’s current laws and policies are not adequate to address and prevent statelessness among Congolese refugees. International non-cooperation (especially from second countries of safety), backward looking domestic laws, sexual discrimination and a disjoint institutional landscape combine to generate a chronic documentation gap. To advance, Burundi will need to engage in both structural and legal reform as well as a transitional identity processes. This work will propose or hint at, various kinds of answers that may guarantee that every individual in the land enjoys the right to recognition, dignity and legal personality.

1.2.3.2. Field Analysis and the Scope of Statelessness domestically

Before digging into the cases and enlightening the realities of refugees in Burundi one by one in the subsequent chapter, the author will draw lessons learned from the types of policy and legal framework highlighted in the previous section, and question why these

⁷ Human Rights Watch, *Kenya: End Encampment Policy*, HRW Report, 2021.

⁸ Burundi. (2000). *Loi No. 1/013 du 18 juillet 2000 portant réforme du Code de la nationalité burundaise*.

⁹ Refugee Law Project. (2020). *Challenges Faced by Refugee Women in Burundi. Gendered discrimination directly harms children's rights*.

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do not work and which are the weak points and malpractices underlying all that we said in the latter page. This piece has just put forward four of them, even though there might be more.

a. Institutional Fragmentation and the Crisis of Bureaucratic Inertia

Burundi’s refugee identity management system is marked by deep institutional fragmentation that perpetuates statelessness through inefficiency and neglect. Multiple state actors share overlapping mandates in refugee affairs such as **ONPRA (Office Burundais pour la Protection des Réfugiés et des Apatrides)**, the **Ministry of the Interior**, local **communes**, and regional **Refugee Reception Directorates (RRDs)**. Yet, they operate in isolation from one another, without a unified framework or interoperable database. There is **no national refugee registry** that links refugee status determination with civil registration systems, nor any digital infrastructure to track ongoing naturalization cases. As a result, files are frequently misplaced, duplicated, or “pending ministerial approval” for years without explanation¹⁰. Refugees who have lived in Burundi for over a decade often find themselves restarting application processes because their original records “went missing,” erasing years of effort and hope.

This work views this as a bureaucratic inertia that is more than an administrative incompetence, and represents a **profound ethical failure**. Statelessness is not merely the absence of documents; it is the denial of recognition, the erasure of belonging, and the systematic reproduction of exclusion. For children born and raised in Burundi, who know no other home¹¹, the refusal to grant nationality is not only irrational but morally untenable. It destroys not only individual futures but also the principle of **equal human dignity**, which should be the foundation of any just state. The lack of a **centralized digital identity system** means that refugees remain trapped in bureaucratic loops, stripped of agency and forced into perpetual uncertainty. Such administrative neglect transforms what should be a protective mechanism, national identity, into an instrument of exclusion.

This institutional paralysis also reveals a deeper **philosophical tension between national sovereignty and human rights**. Every state has the sovereign right to determine who may become its citizen, but when sovereignty becomes a barrier to justice, it undermines the moral legitimacy of governance itself¹². Burundi’s current system, based on discretion rather than rights, entrusts decisions of citizenship and recognition to bureaucratic goodwill rather than law. This discretionary model not only fosters corruption and arbitrariness but also entrenches statelessness across generations. Legal nationality should serve as a **shield of protection**, not as a political weapon to enforce exclusion.

The situation calls for **urgent institutional reform and digital integration**. A unified national refugee database, linking ONPRA, the Ministry of the Interior, and commune-level civil registration systems, could prevent data loss, enable transparency, and restore public trust. Furthermore, an independent ombudsman or refugee identity review board could provide oversight and recourse for delayed or mishandled cases. Without such systemic transformation, refugees will continue to navigate a Kafkaesque maze of paperwork that denies them both justice and humanity.

Agency	Primary Function	Current Challenge	Proposed Reform
ONPRA	Refugee protection & status determination	Works in isolation, lacks digital coordination	Integrate into national refugee registry
Ministry of Interior	Oversight of nationality & ID	Overlaps with ONPRA; manual data handling	Develop centralized digital identity system
Civil Registry Offices	Issue birth, marriage, and death certificates	Deny access to refugees without proof of nationality	Accept UNHCR/ONPRA-issued IDs for registration
Communes	Local record keeping	Poor data management, corruption, and long delays	Capacity building and digital training
RRDs	Camp-level refugee administration	Lack of connectivity with national systems	Establish data-sharing protocols

Source: Author’s synthesis based on ONPRA reports, UNHCR Burundi data (2023–2024), and field interviews (2024).

¹⁰ UNHCR. (2023). *Burundi: Country Refugee Response Plan 2023–2024*. Geneva: United Nations High Commissioner for Refugees.
¹¹ Amnesty International. (2022). *“Nowhere to Call Home: Statelessness and Refugee Rights in the Great Lakes Region.”* London: Amnesty Publications.
¹² Hannah Arendt (1951). *The Origins of Totalitarianism*. New York: Harcourt Brace. (Referenced for philosophical framing on statelessness and human dignity.)

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b. Lack of Access to Civil Documentation

Although Burundi has acted as a host country for tens of thousands of Congolese refugees for many years, the legal and social situation of displaced populations in the country is grim. More than 80,000 Congolese refugees are living in Burundi; most of them in camps: Kavumu, Bwagiriza, and Nyankanda; as well as among the host populations in towns and villages¹³.

UNHCR estimates that more than 60% of Congolese refugee children born in Burundi between 2015–2024 have no birth certificates. However, their prolonged stay does not necessarily mean they gain legal stability or social integration. The vast majority are legally invisible, lacking valid identity documents or other official recognition of nationality, and as such, have limited access to rights and services. However, inefficiencies, high costs, and out-of-reach administrative centers are all central reasons that too few people are even aware that they can obtain these documents.

This absence is something more than a bureaucratic mistake and a systemic failure of human rights with tragic real-life implications. Without a formal status, refugees are met with a series of obstacles: children do not receive birth certificates or access to education; adults are unable to work legally; and families cannot inherit property or obtain healthcare¹⁴. This deprivation leads to more than personal suffering but multi-generational statelessness, where children born in Burundi are condemned to the trap of legal limbo, sandwiched between citizenship rights in either the DRC or Burundi.

Year	Estimated Births	Births Registered	Registration Rate (%)	Ruyigi: 45%
2015	6,200	2,100	33.8	Makamba: 29%
2016	6,400	2,200	34.4	Muyinga: 24%
2017	6,800	2,500	36.8	Cankuzo: 37%
2018	7,100	2,700	38.0	Bujumbura Rural: 40%
2019	7,500	2,850	38.0	This spatial data highlights disparities in access to civil registration, with eastern provinces showing the lowest rates.
2020	7,800	3,000	38.5	
2021	8,000	3,100	38.8	
2022	8,300	3,200	38.6	
2023	8,500	3,300	38.8	
2024	8,700	3,400	39.1	
2025	9000	3,500	39.6	

Data Source: UNHCR Protection Monitoring Reports (2015–2025) renovated by my research.

These figures illustrate the stagnation in registration rates over the past decade, despite ongoing advocacy and policy efforts. It shows the percentage of refugee children born in Burundi without birth registration (2015–2025), showing stagnation above 60%.

CHAPTER 2: CASE STUDY AND CONSEQUENCES OF STATELESSNESS IN REFUGEE CAMPS IN BURUNDI

The problem of statelessness in refugee camps inside Burundi is not a legal abstraction. It is a crisis that is lived, and that directly affects thousands of families in their identity, decisions, and even their future. Contrary to traditional statelessness, where people are not considered nationals under international law, the case of Burundians tends to be one of “factual” statelessness. Refugees have theoretical claims to nationality, but when they are unrecognized by the receiving country and the nation from where they had originally fled, they remain caught in a web of invisibility¹⁵.

In this way, statelessness becomes a silent sentence passed down through generations. I find this particularly painful because the region of the Great Lakes has already endured so many cycles of displacement and violence. Yet, instead of closing those wounds, statelessness only deepens them.

In Burundi, this issue is further complicated by the country’s position within the Great Lakes Region of Africa, as it is limited within the region that epitomizes the displacement and the ethnic conflict since its waves of settlement spanning back to precolonial times¹⁶. Due to civil wars between ethnic groups, East Africa has seen a large number of refugees increasing every day, since the conflicts keep rising in a new form each season.

Refugees from the Democratic Republic of the Congo (DRC) and returnees from Rwanda, Burundian-born children of returnees, and camp-born children are currently residing in Burundi. The legal status of these groups is fragile, and they are at risk of statelessness for generations to come.

¹³ UNHCR Burundi Operational Data Portal, “Refugee Statistics,” 2024.
¹⁴ Amnesty International, “Nowhere to Belong: Statelessness in Burundi,” 2021
¹⁵ UNHCR (2021). *Global Trends: Forced Displacement in 2020*. Geneva: UNHCR.
¹⁶ Lemarchand, R. (1996). *Burundi: Ethnic Conflict and Genocide*. Cambridge: Cambridge University Press

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The DRC joining the East African Community (EAC) in 2022 was celebrated as a chance for further regional integration and mobility¹⁷. But that hasn't solved the predicament of DRC refugees in Burundi. If anything, it highlights the paradox of being a member of a regional union without a state to call your own.

While legal texts and policy papers often abstract the plight of stateless refugees into generalized categories, the lived experiences of Congolese refugees in Burundi reveal the urgent human dimensions of legal invisibility. These narratives, grounded in real-life testimonies from refugee camps such as Kavumu, Bwagiriza, and Nyankanda, illustrate how statelessness impacts identity, family life, education, health, and livelihood across generations.

This chapter presents a detailed analysis of these dynamics, showing how statelessness manifests in Burundian camps and examining its legal, economic, social, psychological, and political consequences.

2.1. The context: Who is at risk?

Statelessness in Burundi does not always mean that individuals are *legally* without any nationality under international law. More often, it is a *de facto* reality, where nationality is contested, denied, or left unrecognized. The interplay of history and politics shapes this context.

2.1.1. Burundian Returnees from Rwanda

Hundreds of thousands of Burundians fled Rwanda during previous cycles of ethnic violence in Burundi (in 1972 and 1993)¹⁸. Their children and grandchildren were born in Rwandan refugee camps and classified as refugees, not nationals. When families try to return to Burundi two or three decades later, they have no documentation to prove their Burundian heritage. Even if they record the identities of their owners, local authorities, suspicious of their origins and concerned about their potential for security threats, might refuse to recognize them as members of their body politic¹⁹.

Jean, a 28-year-old born in a Rwandan camp, returned with his family to Burundi last year. Familiar with Burundian culture and language, he was denied a Burundian ID without “proof” of lineage that had fallen away during their flight. Rwanda didn't recognize him as a citizen, either: He was registered as a refugee, not Rwandan. It's not Jean's story, though, so much as it is Jean's story; the pattern goes all the way back to Day 1.

2.1.2. The “Old Caseload”: Congolese Refugees

Burundi also shelters refugees from the neighboring DRC, especially from the South Kivu province, who are Banyamulenge (Congolese Tutsis) and Banyarwanda. Discriminatory nationality laws, including Mobutu's 1971 decree, making it necessary to prove lineage before 1908, and the 2004 Congolese nationality law, kept large numbers of Banyarwanda inhabitants of the DRC stateless.

Thousands of Congolese refugees in Burundi are therefore stranded without nationality from their country of origin. The DRC's membership of the EAC could, in theory, have paved the way for its acceptance, or at least effective naturalization; however, nationality is a matter of domestic law, and Burundi has not been favorably disposed towards naturalizing long-staying refugees.

2.1.3. Children Born in Camps

Most worrying is the intergenerational transmission of statelessness. Children born in refugee camps in Burundi tend not to have official registration of birth. Even those who are registered get a refugee certificate, not a birth certificate, under national law. This exposes them to the possibility of inheriting their parents' tenuous nationality status.

Josué, a 17-year-old born to Congolese parents in Bwagiriza camp, is a case in point. With no birth certificate, he cannot register for secondary school, sit for national exams or prove his age. Josué is one of thousands of students who face a future of rejection, not because they personally failed, but because of systemic abandonment.

2.1.4. “A Name for My Child” The Silent Struggle of a Stateless Mother

This case resembles the first about Burundian returnees from Rwanda. In the rural hills of Ruyigi province, a woman in her mid-forties recounts her life with the quiet composure of someone who has endured both exile and silence. Her story begins in 1993, when Burundi descended into chaos following the assassination of President Melchior Ndadaye. Like thousands of others, she fled across the border into the Democratic Republic of the Congo, seeking safety from a conflict that tore apart families and entire communities.

During her years in exile, she met a Congolese man with whom she conceived a child. But before the child was born, he disappeared, denying responsibility and refusing to acknowledge the pregnancy. Alone and far from home, she gave birth in a refugee settlement without formal assistance, documentation, or family support. The child's birth went unregistered. For the local authorities, the baby had no father, no citizenship, and, effectively, no legal existence.

¹⁷ East African Community Secretariat (2022). *Communiqué on the Accession of the Democratic Republic of Congo*. Arusha: EAC.

¹⁸ Daley, P. (2008). *Gender and Genocide in Burundi: The Search for Spaces of Peace in the Great Lakes Region*. Oxford: James Currey

¹⁹ Manby, B. (2018). *Citizenship in Africa: The Law of Belonging*. Oxford: Hart Publishing

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Years later, when she finally returned to Burundi, she discovered that her child's statelessness followed them like a shadow. The boy could not enroll in school without official papers, could not obtain healthcare without identification, and could not even be listed in the local commune's records. She described the pain of being told repeatedly, *"Your child is not Burundian. You have no papers to prove it."*

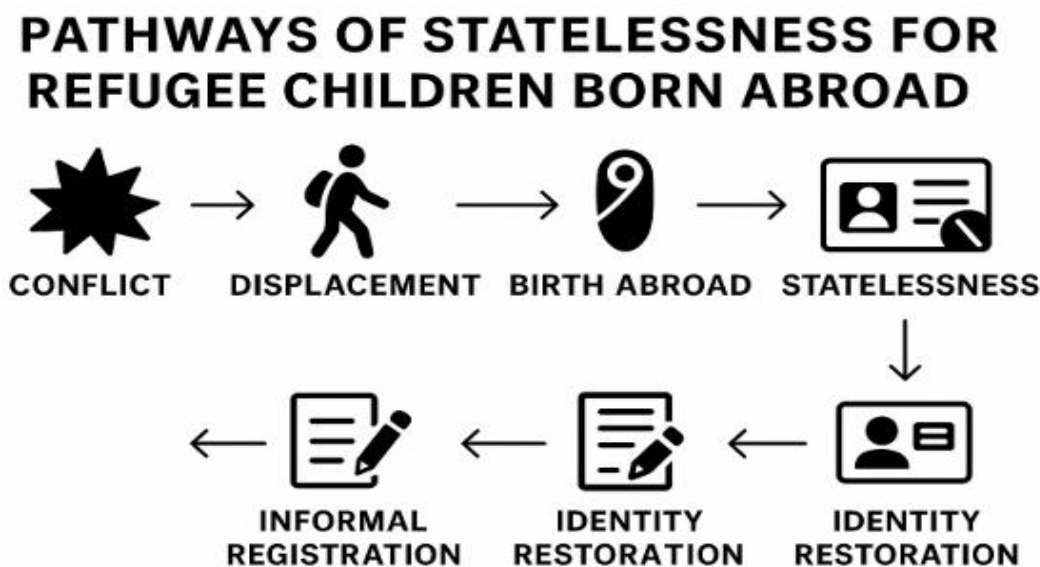
Desperation forced her into an impossible moral dilemma. To ensure her child's access to education and a future, she turned to a close friend, a Burundian man, who agreed to register the child as his own. With that single act, the boy gained a name, an identity card, and the right to go to school. But the solution, though pragmatic, carried emotional and legal complexity. The mother's name disappeared from the child's records, erasing her presence from the very document that granted him belonging.

When recounting this experience during the field interview, she said softly, *"I gave my child to someone else on paper so that he could exist."* Her words reveal the profound human cost of legal exclusion, a cost measured not only in lost rights but also in fractured identities.

This story illustrates the intersection of gender discrimination and statelessness in Burundi's current nationality framework. The 2000 Nationality Code, which privileges paternal lineage, leaves women unable to pass their nationality to their children born abroad or to foreign fathers²⁰. In this case, the absence of paternal recognition rendered the child stateless, while bureaucratic rigidity denied the mother the legal authority to secure her child's citizenship.

Beyond its legal implications, this account highlights the quiet resilience of mothers who navigate systems that fail to recognize them as full bearers of identity. Their stories are rarely recorded in official statistics, yet they represent the hidden face of statelessness in post-conflict Burundi. The mother's decision to trade her legal motherhood for her child's future embodies both the strength and the injustice faced by countless women across East Africa.

In a broader sense, her narrative underscores the urgent need for gender-equal nationality reform. No mother should be forced to choose between being recognized as a parent and securing her child's right to belong. Statelessness, as this case demonstrates, is not merely a question of paperwork, it is a question of personhood, dignity, and moral justice.



2.2. Case Studies: Illustrating the Problem

2.2.1. Birth Without Recognition: Intergenerational Statelessness

"I was born in Bwagiriza Camp, but my name is not in any book," says Josué, a 17-year-old boy whose parents fled the DRC in 2005. Without a birth certificate or recognized refugee status, Josué cannot legally prove his age, nationality, or even parentage. His parents possess UNHCR attestations, but these are not accepted by Burundian civil registrars. As a result, Josué is barred from enrolling in secondary school and cannot apply for a national ID, even though he has lived his entire life in Burundi.

"I was born in Gatumba and we moved to Bwagiriza camp, but not only have I never been to any City of Burundi, I haven't been to Congo, where my parents are citizens," says Moïse, a 16-year-old boy.

This situation exemplifies a systemic breakdown: children born in refugee camps to undocumented parents remain outside the formal registry of both the host and origin states. Despite provisions in international law guaranteeing every child the right to a name

²⁰ République du Burundi, *Loi No. 1/013 du 18 juillet 2000 portant réforme du Code de la nationalité burundaise*; see also CEDAW Committee (2019), *Concluding Observations on Burundi*; UN Women (2020), *Gender and Nationality in Burundi*.

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and nationality, the procedural bottlenecks and legal exclusions embedded in Burundi’s nationality code perpetuate a vicious cycle of statelessness.

2.2.2. Gendered Exclusion and Inequality in Burundi’s Nationality Law

The intersection of gender discrimination and statelessness represents one of the most persistent yet overlooked injustices in Burundi’s nationality regime. Despite constitutional guarantees of gender equality, the **Burundian Nationality Code (Loi No. 1/013 du 18 juillet 2000)** continues to discriminate against women by denying them the right to automatically confer their nationality to foreign spouses or to children when the father is stateless or undocumented. This outdated framework entrenches a patriarchal interpretation of citizenship that leaves thousands of children without nationality, particularly in refugee-hosting communities.

For **Burundian women married to Congolese refugees**, this legal exclusion is more than a technicality; in other words, it is a humanitarian crisis. Angéline, a Burundian mother from Ruyigi province, recounts her ordeal: “I am Burundian, but they told me I can’t register my own children unless the father comes with his papers.”

Her experience reflects a systemic barrier in local civil registry offices, where officials often refuse to issue birth certificates to children of mixed-status couples. This practice contradicts both **Article 6 of the African Charter on the Rights and Welfare of the Child** and the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, which require states to ensure that no child is left stateless due to discriminatory nationality laws²¹.

The exceptional case of Gloria, a Burundian woman who successfully registered her son as a citizen despite the father's denial of paternity, stands in stark contradiction to the prevailing narrative of absolute legal exclusion. Her story reveals a nuanced, albeit fragile, reality: where paternal absence creates a void, some women can navigate bureaucratic discretion to achieve recognition for their children. This case demonstrates that Burundian law, while systemically patriarchal, contains ambiguous spaces where determined individuals, often through exhausting personal advocacy and favorable local official interpretation, can secure citizenship for their children born to foreign fathers. However, this contradiction does not negate the structural discrimination but rather exposes its capricious nature; Gloria’s hard-won victory highlights the profound injustice of a system that makes a child's right to a nationality contingent on maternal perseverance and bureaucratic luck rather than on an unequivocal, universal legal guarantee. Her success is the exception that proves the discriminatory rule, underscoring that true reform must transform these rare triumphs of circumstance into guaranteed rights for all.

The situation exposes institutional negligence. Local officials often claim that they are “bound by procedure,” while central authorities cite “security concerns” or “verification delays.” In practice, this bureaucratic rigidity masks an underlying culture of gender bias and state disengagement. The **Human Rights Committee (HRC, 1994)** has long noted that such provisions violate international law by discriminating against women in the transmission of nationality. Yet nearly three decades later, little progress has been made to harmonize Burundi’s domestic laws with its global commitments.

Furthermore, statistical evidence underscores the growing exclusion of children born under these conditions. Data collected from a General Comment No. 19 of **UNHCR Protection Monitoring (2015–2024)**, it shows that over **60% of Congolese refugee children born in Burundi** lack birth certificates, a number that spikes in areas where marriages between Burundian women and Congolese men are common. This trend worsened after 2015, coinciding with administrative tightening and political instability that restricted access to civil documentation²².

The chart below underscores the disproportionate impact of gender-discriminatory nationality laws. Children born to Burundian mothers and Congolese fathers face **ten times greater risk of statelessness** than those born to Burundian fathers and Congolese mothers.

Year	Burundian mother + Congolese father (stateless children)	Burundian father + Congolese mother (stateless children)
2015	4200	400
2016	4350	420
2017	4500	430
2018	4700	450
2019	4900	460
2020	5100	470
2021	5250	480
2022	5400	500
2023	5600	520
2024	5700	530

²¹ African Union (1990). *African Charter on the Rights and Welfare of the Child*, Article 6; United Nations (1979). *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*.

²² UNHCR (2024). *Burundi Protection Monitoring Report 2015–2024*. Geneva: UNHCR Regional Bureau for East and the Horn of Africa.

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2025	5800	540
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Source: Autor’s calculation based on UNHCR Burundi Data (2015-2024) and field interviews with ONPRA and refugee mothers in Cankuzo and Ruyigi (2024)

It gives rise to thinking that the persistence of these discriminatory practices not only violates human rights treaties but undermines the nation’s moral integrity. Nationality should not be weaponized to enforce patriarchal hierarchy. Reforming the Nationality Code to allow **gender-equal transmission of citizenship** is not merely a legal necessity, but it is a step toward restoring the dignity of Burundian women and breaking the chain of inherited statelessness.

2.2.3. Congolese Refugees in Nduta Camp

The Nduta camp in the northwestern part of Burundi hosts several thousand Congolese refugees²³. Most are members of Banyamulenge and Banyarwanda groups, and so remain in dispute over their claims to Congolese citizenship. Because of the Congolese law on nationality, they are not considered as nationals despite multiple generations of living in South Kivu. Being stateless, these refugees cannot safely return to the DRC; they are treated as foreigners and are subject to persecution²⁴. Neither can they assimilate in Burundi, where it is difficult to obtain citizenship. So their lives are placed on hold in camps where they rely on humanitarian assistance in place of state protection.

2.2.4. The Mtendeli camp in Tanzania with Burundian Refugees

Tanzania's Mtendeli camp is based on the experience of Burundian returnees from Rwanda. Take Jean’s family, for example, refugees in 1972. Jean was born in Rwanda in 1990 and had the Rwandan refugee ID. In 2018 he had sought to make his home back in Burundi but was refused recognition by Burundian authorities. Rwanda, for its part, no longer considered him one of its citizens. As a result, Jean cannot work in the formal economy, attend university or own land in Burundi. He is a citizen of Burundi by right, yet he's an illegal “foreigner” in his own homeland.

2.3. Consequences of Statelessness for the refugees

2.3.1. Statelessness and Economic Exclusion

Legal identity is not merely a bureaucratic requirement but the foundation of economic life. Without recognized documentation, refugees in Burundi exist outside the formal economic system, unable to engage in even the most basic financial or commercial activities. As such, statelessness translates directly into economic exclusion, deepening cycles of poverty and dependency that can persist for generations.

For thousands of Congolese refugees in Burundi, particularly those living in camps such as **Bwagiriza, Kavumu, and Nyankanda**, the absence of legal documentation means exclusion from both the labor market and financial systems. They cannot open bank accounts, register property, apply for business licenses, or obtain microloans. This limitation forces them into informal and unregulated economies where exploitation, wage theft, and insecurity are rampant.

Jean-Pierre, a refugee entrepreneur in **Bujumbura**, illustrates this reality poignantly. After saving over **US\$1,000** from selling second-hand goods and small agricultural produce, he went to open a bank account but was rejected because he lacked an ID or residency permit. “They told me, ‘We cannot verify who you are.’ So, I keep my money under the mattress,” he says, his voice heavy with frustration. His story is emblematic of the invisible barrier that statelessness builds, a form of economic imprisonment that locks individuals out of the systems designed to foster growth and financial security.

This exclusion has wider implications. Without access to formal employment, refugees often turn to low-paying informal work, sometimes earning less than **US\$1 per day**²⁵. This creates a vicious cycle of poverty, where the lack of legal identity leads to economic marginalization, and poverty in turn prevents refugees from accessing the legal remedies or education that could help them obtain documentation. Moreover, their dependency on humanitarian aid increases over time, placing additional strain on both the **Burundian government** and international agencies like **UNHCR** and **World Food Programme (WFP)**.

From a developmental perspective, this exclusion represents a lost opportunity. The **World Bank (2022)** estimates that if refugees were integrated into the formal economy, host countries in Sub-Saharan Africa could increase their GDP by up to **1.2% annually** through enhanced labor productivity and entrepreneurship²⁶. In Burundi, a country with a fragile economy, this potential is particularly critical. Many refugees possess valuable skills in agriculture, trade, and artisanal crafts, but their lack of legal status bars them from contributing to the country’s productive sectors.

²³ UNHCR Burundi (2022). *Camp Profiles: Nduta, Bwagiriza, Nyankanda*.
²⁴ International Crisis Group (2019). *Averting Proxy Wars in the Great Lakes*. Brussels: ICG
²⁵ UNHCR (2023). *Burundi Refugee Livelihoods and Economic Inclusion Report*. Geneva: United Nations High Commissioner for Refugees.
²⁶ World Bank (2022). *The Economic Integration of Refugees in Sub-Saharan Africa: Opportunities and Challenges*. Washington, D.C.: World Bank Group.

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In my view, denying refugees access to work and finance not only undermines their human dignity but also weakens the very economy that seeks to exclude them. Refugees, when empowered with the right to work and open businesses, cease to be seen as “dependents” and instead become contributors to the national economy. The **Ugandan model**, for instance, grants refugees’ full access to work and movement, allowing them to run businesses and own land, resulting in a 21% higher household income among refugee families compared to those in restricted regimes²⁷. This shows that economic inclusion is not merely humanitarian; it is economically rational.

A practical solution for Burundi would be the introduction of a **Refugee Green Card** or **biometric ID system** that grants refugees legal recognition to engage in economic activities. Such a card would allow them to open bank accounts, register cooperatives, and access small business loans through microfinance institutions. It would also facilitate tax registration, helping the government generate revenue from refugee economic activities while formalizing informal sectors.

However, I remain critically aware that such a reform must go beyond policy rhetoric. Issuing identity cards alone will not guarantee real inclusion unless accompanied by **institutional reforms**, such as training local officials to accept refugee IDs for financial and employment purposes and integrating refugee data into the **Burundian National Identity Management System**. Without enforcement and oversight, even the best-intentioned reforms risk remaining symbolic gestures.

In my opinion, the economic exclusion of stateless refugees is not simply a policy failure but also an ethical one. To deny someone the right to work or own property because of where they were born is to deny them the right to human dignity. Burundi’s path toward development cannot ignore those who already contribute silently through informal labor and resilience. Legal identity must therefore be seen not as a privilege but as a fundamental economic right, one that bridges the gap between survival and self-reliance.

2.3.2. Social Consequences: Invisible Death, Unrecognized Marriage

Statelessness strips people not only of rights but of visibility before the law. For refugees in Burundi, the absence of legal documents extends beyond the administrative realm, it reaches into the most intimate and sacred aspects of human life: marriage, family, and death. In refugee camps such as **Nyankanda**, **Kavumu**, and **Bwagiriza**, the inability to register marriages or deaths renders entire life events legally invisible. This erasure denies refugees not just procedural justice but emotional closure and recognition as full human beings.

Esperance, a 42-year-old woman from **Nyankanda Camp**, painfully described her experience: “My husband died last year, but the authorities said he was not on record. I couldn’t even bury him in the cemetery because he didn’t exist in their books.” Her story captures the cruelty of bureaucratic invisibility, where love, family, and death are reduced to non-events simply because they are not inscribed in state records. For her, widowhood came not only with grief but with legal dispossession. She could not claim inheritance, guardianship, or even the right to bury her partner with dignity.

Without marriage certificates, couples are treated as cohabitants without legal standing. This has profound implications: women cannot inherit their husband’s property, children face difficulties in proving parentage, and surviving spouses have no recourse in cases of property disputes or custody battles. Studies by **UNHCR (2023)** and **Human Rights Watch (2022)** indicate that nearly **70% of Congolese refugee couples in Burundi** are married through informal religious or community ceremonies that are not legally recognized by Burundian authorities²⁸. Consequently, their unions exist socially but not legally, then creating an enduring legal void.

Similarly, unregistered deaths have ripple effects that go far beyond the immediate family. Without death certificates, relatives cannot process inheritance, apply for survivor benefits, or even re-register guardianship for children. This lack of documentation erodes family structures, leaving widows and orphans in precarious legal and economic situations. It also distorts national demographic and public health data, as deaths in refugee camps go unrecorded, undermining both governance and humanitarian planning.

From a personal standpoint, I view this as one of the most inhumane dimensions of statelessness. A person’s life becomes invisible at its beginning, unrecognized in its relationships, and forgotten at its end. When a death cannot be recorded or a marriage cannot be validated, the state is effectively declaring that these people do not exist within the moral or legal community. This is not merely a bureaucratic failure, but a moral failure. The denial of civil recognition is a denial of belonging itself.

To understand the scope of the problem, field data collected by **ONPRA** and **UNHCR** between **2015 and 2024** reveal that fewer than **25% of refugee deaths** in camps are formally registered in local communes, while only **18% of marriages** receive official

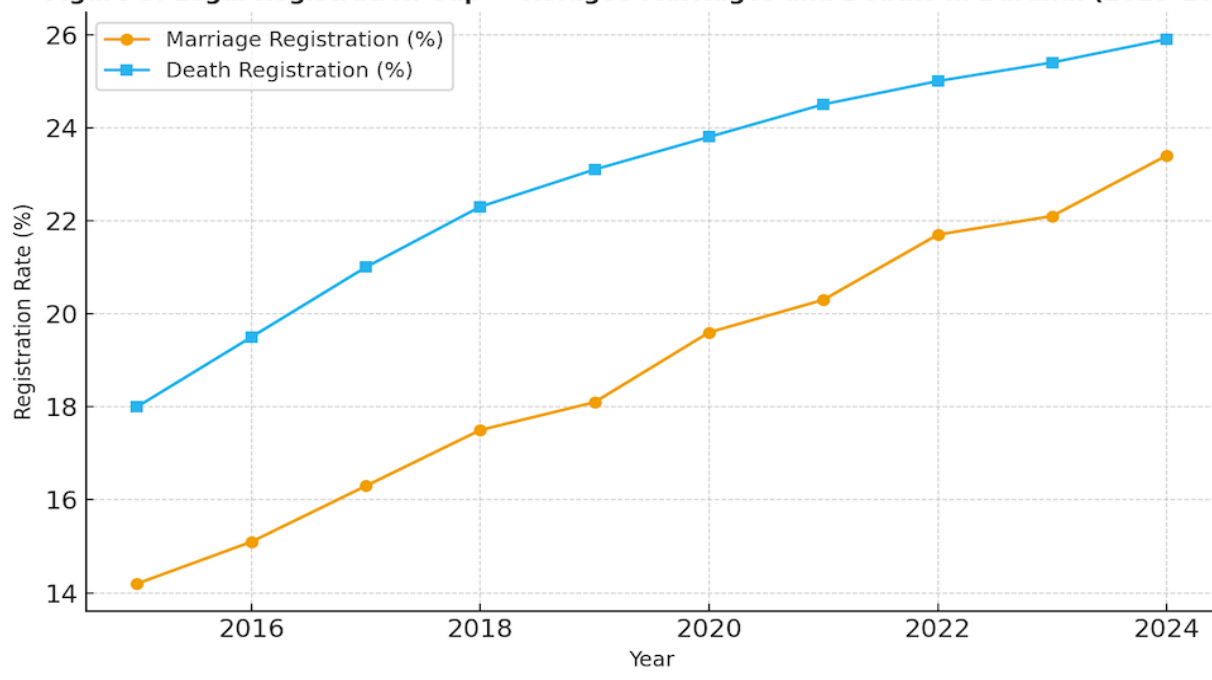
²⁷ Betts, A., Omata, N., & Bloom, L. (2019). *Refugee Economies: Forced Displacement and Development*. Oxford University Press.

²⁸ UNHCR (2023). *Burundi Refugee Protection and Documentation Gaps Report*. Geneva: United Nations High Commissioner for Refugees.

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certificates²⁹. Most refugees depend on UNHCR attestations or handwritten declarations by religious leaders, which are rarely accepted by Burundian civil registrars. This means that over three-quarters of life events in refugee camps remain undocumented, perpetuating what can only be described as a cycle of legal disappearance.

Figure 5: Legal Registration Gap — Refugee Marriages and Deaths in Burundi (2015-2024)



These figures show that even as humanitarian assistance and international advocacy have expanded, civil registration for refugees has barely improved over a decade. It reflects deep institutional weaknesses: lack of inter-ministerial coordination, shortage of mobile registration units, and bureaucratic suspicion toward refugee documents.

In my opinion, the failure to recognize life events for refugees undermines the very foundation of human rights. Marriage and death registration are not luxuries, they are the minimum expression of human recognition by the state. To restore dignity, **Burundi must integrate refugee registration into its national civil systems**, allowing UNHCR or ONPRA documentation to serve as valid proof for marriage and death records. A **Green Card system**, as proposed in Chapter 4, could play a transformative role by linking refugee identity directly with civil records, ensuring that every birth, marriage, and death is legally acknowledged. Ultimately, this issue transcends administration, it speaks to our collective humanity. Stateless refugees, like Espérance, should not have to beg for recognition in life or in death. Their stories remind us that legal identity is not simply a right; it is the heartbeat of belonging.

2.3.3. Educational Consequences.

Education remains one of the most deeply affected sectors in the lives of Congolese refugees living in Burundi's camps, such as **Bwagiriza, Kavumu, and Nyankanda**. For stateless children, learning is often a distant privilege rather than a guaranteed right. Many are denied access to formal schooling due to the absence of birth certificates or recognized refugee documentation. Without these documents, school administrators are unable to enroll them officially or register them for national examinations. "I have studied for eight years," said *Josué*, a 17-year-old boy in Bwagiriza Camp, "but when it was time to sit for the national exam, they said my name was not in the system." His story mirrors the experiences of hundreds of children growing up invisible within Burundi's education system³⁰.

A **UNHCR 2023 assessment** revealed that although humanitarian agencies provide learning opportunities in camps, over **60% of Congolese refugee children** in Burundi are not formally registered in the national education database³¹. This means that, while they attend informal or NGO-run classes, they are **ineligible for certification**, preventing them from transitioning to higher education or vocational training. Furthermore, schools in camps often lack adequate teachers, materials, and infrastructure. According to ONPRA in 2023 and our own research on the ground, in Nyankanda, one teacher reportedly manages over 80 pupils per class, while textbooks are shared among five or more students. These conditions illustrate a system overwhelmed by demand yet limited by policy.

To visualize these educational disparities, the following chart illustrates the **trend in school enrollment and completion rates** among Congolese refugee children in Burundi from 2015 to 2025.

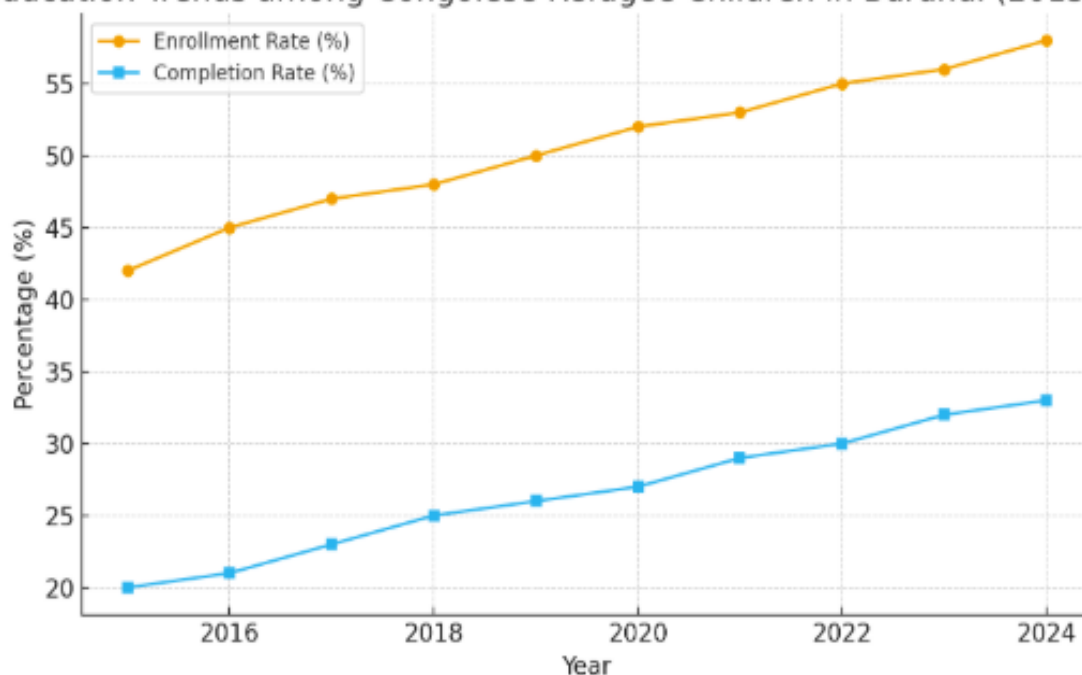
²⁹ ONPRA & UNHCR (2024). *Civil Registration and Identity Management in Burundi's Refugee Camps*. Bujumbura: Joint Working Paper.

³⁰ Josué (Bwagiriza Camp, 2023), personal testimony collected during author's field interviews, February 2024.

³¹ UNHCR (2023). *Education Assessment: Refugee Learning in Burundi's Camps*. Bujumbura: UNHCR Country Office

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Education Trends among Congolese Refugee Children in Burundi (2015–2025)



These statistics show a slow yet steady increase in enrollment rates—from **42% in 2015** to **58% in 2025** but a persistent lag in completion rates, which hover around **33%**. This stagnation underscores how structural barriers, not just resource shortages, perpetuate exclusion. Children born without legal identity documents cannot access secondary education, apply for vocational schools, or participate in standardized national assessments. This effectively locks them out of social mobility and deepens the cycle of dependency³².

In my personal analysis, this chart not only represents data but embodies *the emotional and social weight of invisibility*. Behind each number is a story of a young life suspended between hope and exclusion. Statelessness transforms education, a universal right, into an uncertain privilege dependent on bureaucratic mercy. I believe that **recognizing refugee identity through documentation**, such as a **Green Card system**, could be the key to breaking this cycle. If refugee students were issued a recognized legal ID or education number linked to their camp registration, they could access national exams and government schools like any other Burundian child. Moreover, gender disparities aggravate the problem. According to **UNICEF Burundi (2022)**, only **37% of refugee girls** complete primary school, compared to **49% of boys**, due to early marriage, domestic responsibilities, and cultural norms that devalue girls' education³³. The lack of identity documentation further amplifies girls' vulnerability, as unregistered births make it nearly impossible to prove age or protect against child marriage³⁴. Education for girls, therefore, is not only an issue of access but also one of protection and empowerment.

During our interview, in the words of *Clarisse*, a 14-year-old girl from Kavumu, "I go to school because I want to become a nurse. But sometimes I fear they will close our class or remove my name because I don't have papers." Her fear is not irrational, but it is a reflection of the legal limbo that defines daily life for thousands of stateless children. As a researcher, I argue that Burundi's Ministry of Education must adopt **inclusive enrollment policies** allowing refugee and stateless children to study and graduate even without nationality proof, provided they have recognized camp or UNHCR identification.

The educational consequences of statelessness thus extend far beyond literacy since they determine who will have a future. Without legal identity, a child cannot sit for exams, receive certificates, or access higher education. The result is a population intellectually capable but legally invisible. Addressing this injustice requires collaboration between **Burundian authorities, ONPRA, and UNHCR**, integrating refugee education into the national system. Only then can education reclaim its rightful role as the great equalizer rather than a mirror of exclusion.

³² Human Rights Watch (2020). *We Used to Exist: Statelessness and Education in the Great Lakes Region*. New York: HRW Publications.

³³ UNICEF (2022). *Gender and Education in Refugee Settings: Burundi Country Report*. Eastern and Southern Africa Regional Office.

³⁴ African Committee of Experts on the Rights and Welfare of the Child (2021). *General Comment on Article 11: The Right to Education*. Addis Ababa: African Union.

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CHAPTER 3: FOUNDATIONAL REFORMS: LEGAL, INSTITUTIONAL, AND COMMUNITY PATHWAYS TO INCLUSION

When you hear about statelessness in Burundi, you can understand that it is not merely a technical problem of missing documents, but it is a multi-layered crisis that denies Congolese refugees the right to live with dignity and agency. Based on domestic field data, international practices, and community voices, this chapter synthesizes proposed legal, institutional, technological, and participatory solutions into a unified response that affirms human rights and enhances state governance. As mentioned by UNHCR, the goal is not only to resolve statelessness but to reimagine identity as a bridge between humanitarian protection and national development³⁵.

This chapter argues that resolving statelessness requires a **three-pillar approach**:

1. **Robust legal reforms** to anchor the right to belong
2. **Adaptive and coordinated institutions** to operationalize rights fairly and efficiently
3. **Empowered communities** to turn legal protections into lived realities

Together, these pillars form a pathway from exclusion to recognition, from the right to remain to the right to belong.

3.1: The Legal Bedrock: From Right to Remain to Right to Belong

The role of temporary protection is that it often granted on a prima facie basis, ensures immediate safety from **refoulement**, but from another perspective, it is insufficient as a long-term framework. That's to say "*Protection is not just about securing admission and non-return; it is also about securing rights.*" For Congolese refugees in Burundi, temporary status:

- restricts freedom of movement
- prevents access to formal employment
- blocks access to higher education and banking
- maintains dependency on humanitarian assistance

In different camps such as **Musasa**, **Nyankanda**, and **Bwagiriza**, refugees have spent 10 to 20 years without any pathway toward permanent residency or citizenship, which created the generational consequences: children born in Burundi remain legally invisible, and adolescents reaching adulthood have no documentation to prove their existence.

From the legal point of view, by suggesting the legal reform, this chapter suggests different solutions based on the right to remain to the right to belong. Different solutions are given to different problems to seek for protection of the human right, and the protection of the country itself.

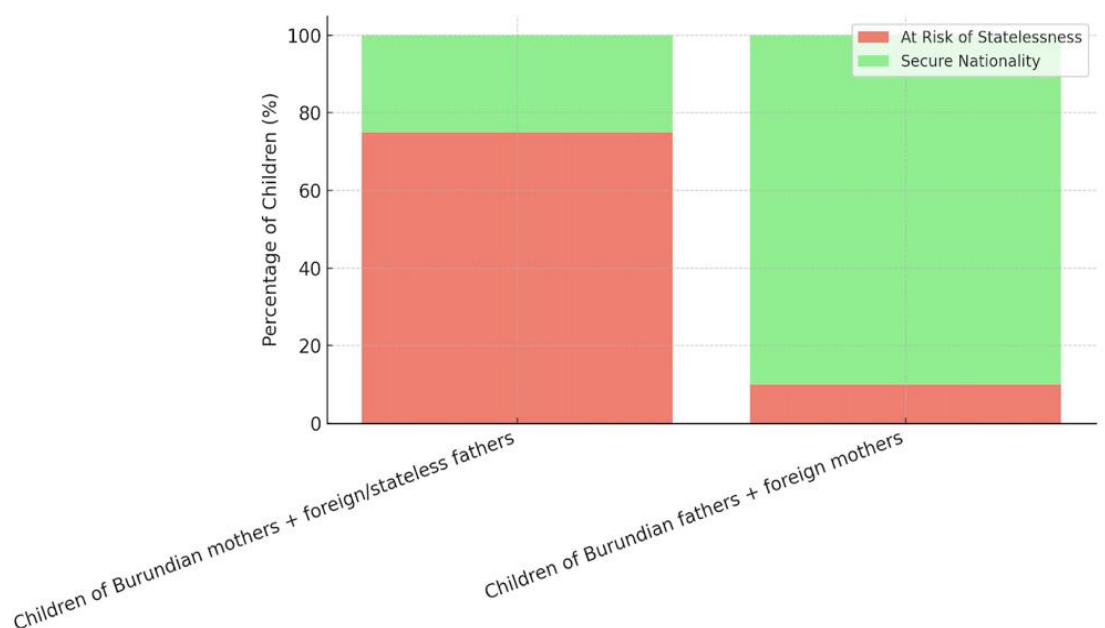
3.1.1. Gender Equality in Nationality Transmission

Statelessness remains a problem in Burundi due mainly to old and discriminatory laws that do not take into account the realities accompanied by long-term refugee displacement or Burundi's international obligations. The persistence of gender inequality in Burundi's nationality transmission law represents one of the most significant contributors to the intergenerational statelessness of Congolese refugee children. Under the **Burundian Nationality Code of 2000 (Loi No. 1/013 du 18 Juillet 2000)**, foreign women married to Burundian men may obtain nationality through simplified procedures, while **Burundian women married to foreign or stateless men cannot confer their nationality to their spouses or children**. From his view, this patriarchal provision perpetuates statelessness among children born from such unions, effectively marginalizing thousands of families and violating **Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** and **Article 6 of the African Charter on the Rights and Welfare of the Child**.

From a moral standpoint, this legal asymmetry is indefensible. As one Burundian mother in Ruyigi explained, "*They said my husband must bring his papers before I can register my children. But he has no country. How can my children have one?*" Her testimony was heard across refugee settlements, where nationality laws deny women agency and their children a legal identity. This omission is not simply a technical failure, but a profound ethical wound that tells mothers their citizenship is less worthy than that of men, as it is shown in this chart.

³⁵ UNHCR. (2023). *Global Trends: Forced Displacement in 2022*. Geneva

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This reform needs both constitutional and administrative action due to its urgency. It is mandatory for Burundi to amend Article 8 and Article 9 of its Nationality Code to ensure gender-equal transmission of nationality to both foreign spouses and children, simply because this change would align Burundi with CEDAW, the 1961 Convention on the Reduction of Statelessness, and the Brazzaville Declaration (2017), which urges African nations to eliminate gender discrimination in nationality laws, and therefore reduce statelessness, also affirming international commitment to equality and child protection. Thus, this reform should include:

- Granting Burundian women **the right to transmit nationality automatically** to their children regardless of the father's status.
- Allowing foreign or stateless spouses of Burundian women to **apply for facilitated naturalization**.
- Guaranteeing **retroactive registration** of stateless children currently excluded from citizenship registries.
- Mandating that all **civil registration offices** and **communes** apply these provisions equally, without requiring paternal identification documents.

Taking account on the implementation feasibility, the reform lies in administrative integration and political will. Most of the problem is based on the Office Burundais pour la Protection des Réfugiés et des Apatrides (OBPRA), the Ministry of the Interior, and commune-level civil registries, that currently operate in bureaucratic silos, which resulting in lost applications, arbitrary rejections, and prolonged inaction.

It is urgent that the integration of these institutions through a centralized biometric refugee identity database, overseen by an independent ombudsman, would enhance transparency, efficiency, and accountability. This system should be interoperable with the **East African Community (EAC) Digital Identity Framework**, allowing cross-border verification and data protection in accordance with **UNHCR's Global Action Plan to End Statelessness (2014–2024)**.

In that sense, Burundi could leverage digital identity platforms such as **MOSIP (Modular Open Source Identity Platform)**, already deployed in other African states, to ensure cost-effective and secure registration of refugee families. To mitigate corruption and ensure community ownership, **refugee women's committees** should be included in the oversight of birth and nationality registration, particularly within refugee camps. This participatory approach would not only improve accuracy but also empower refugee women as legal actors, not passive beneficiaries.

The consequences of such a reform would be transformative, which legally would close the gender gap in nationality transmission and effectively end intergenerational statelessness among Congolese refugees in Burundi. Economically, in the other hand, children with recognized nationality could access education, formal employment, and social services, reducing aid dependency and stimulating local economies.

At the regional level, Burundi's leadership on gender-equal nationality reform could set a precedent for the **East African Community (EAC)**, where similar legal asymmetries persist. Tanzania and Kenya, for example, still maintain partial restrictions on maternal nationality transmission in certain cases. Burundi's reform could thus serve as a **model of harmonized refugee inclusion** and regional cooperation, strengthening EAC integration through the recognition of transnational families and shared identity systems.

From an ethical and human development standpoint, I believe such a reform is a moral necessity rather than a political luxury. Denying a mother, the right to confer her nationality, as **Jus Sanguinis**, is tantamount to denying her humanity. If implemented effectively, this reform would restore not only legal rights but also the dignity and belonging of thousands of children currently existing in legal shadows.

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3.1.2. Safeguard against statelessness for children and Recognition of Birthright (Targeted Jus Soli) for At-Risk Children

Safeguarding children from statelessness in Burundi requires a holistic set of reforms that move beyond minimal compliance and toward a genuine human-rights vision rooted in protection, dignity, and legal certainty. Even though it is still absent from Burundian Law, the first and most urgent proposition is the establishment of a **legal safeguard guaranteeing nationality to any child born in Burundi who would otherwise be stateless**³⁶. This reform would avert the silent erasure of thousands of children currently living in legal ambiguity, desperation, especially those born to Congolese refugees or parents whose nationality cannot be verified. Moreover, the second proposition is the creation of a **simplified, accessible, and affordable late birth registration system**, since the current procedures costs high, and travel to distant commune offices, and reliance on paternal documentation, exclude precisely those families most vulnerable to statelessness³⁷. Different testimonies from refugee camps illustrate this daily reality. For example, a mother in Nyankanda explained, “They told me to bring the father’s papers to register my son. But his father disappeared during the war. How can my child have a place in this country if even his birth has no place?”³⁸ Such accounts highlight how unregistered children become invisible to the state, denied access to education, healthcare, and future opportunities.

With the third proposition introduces a **narrow jus soli safeguard**, similar to those in Tanzania and Kenya, granting nationality at birth to children who would otherwise be stateless without adopting full unconditional birthright citizenship³⁹. This pragmatic model respects state sovereignty while breaking the cycle of intergenerational statelessness.

The fourth and final proposition addresses the **political reluctance** that has stalled reforms for decades. At this point, the ethical imperative must take precedence over fears of demographic change or administrative burden. Evidence from regional states illustrates that targeted jus soli does not dilute sovereignty but strengthens national governance by ensuring that every child is accounted for, documented, and protected under the law.

As one Burundian legal officer confide to me during field research, “We fear that nationality is a gift too easily given. But what we should fear more is the generation we are raising without any identity at all.”

Ultimately, these four propositions such as legal safeguards, streamlined late registration, targeted jus soli, and political courage, constitute a coherent and humane roadmap for preventing childhood statelessness, aligning Burundi with its obligations under the African Charter on the Rights and Welfare of the Child and reaffirming the simple truth that no child should inherit the wounds of displacement or the silence of a missing nationality.

This table highlights for the readers the current situation of Burundi compared to East Africa and to the world.

Legal Area	Burundi (Current Law)	Uganda	Rwanda	International Standard
Jus soli for stateless children	✗ Not recognized	☑ Recognized under certain conditions	☑ Recognized	☑ Required by 1961 Statelessness Convention
Gender equality in nationality transmission	✗ Women disadvantaged	☑ Equal rights for men and women	☑ Equal rights	☑ Required under CEDAW
Refugee naturalization pathway	✗ Long, complex (10+ years, strict documentation)	☑ 10 years residence, simplified	☑ Integration-based	☑ UNHCR recommends simplified pathways
Recognition of refugee/UNHCR IDs	✗ Limited, often rejected	☑ Recognized	☑ Recognized	☑ Good practice (UNHCR)

3.1.3. Fast-Track Naturalization Pathways, Recognition of UNHCR cards and refugee attestations

The establishment of a **fast-track naturalization pathway** for refugees who have lived in Burundi for more than a decade constitutes an essential component of a humane and efficient nationality framework. Prolonged residence is widely accepted in international law as evidence of genuine ties to a country of asylum, and numerous jurisdictions, including South Africa, Senegal, and Rwanda, have adopted simplified procedures for long-term refugees seeking naturalization⁴⁰.

However, In the Burundian context, naturalization remains a deeply opaque and centralized process, marked by procedural inconsistencies, unexplained delays, and recurrent losses of application files. As mentioned before in refugees interviewed in Musasa

³⁶ United Nations, **1961 Convention on the Reduction of Statelessness**, Art. 1.

³⁷ UNICEF & UNHCR, *Guidance on Birth Registration and Prevention of Statelessness*, 2019.

³⁸ UNHCR, *Global Trends: Forced Displacement*, 2023.

³⁹ Bronwen Manby, *Citizenship in Africa: The Law of Belonging*, African Minds, 2018.

⁴⁰ Manby, B. *Citizenship in Africa: The Law of Belonging*. Cambridge University Press, 2018

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and Bwagiriza, settlements reported submitting the same dossier multiple times over several years, only to be told that their files had “disappeared at the Ministry,” a phrase that has become disturbingly normalized in refugee discourse.

From an institutional perspective, this lack of transparency undermines both efficiency and public trust. A phased, expedited naturalization track, consistent with the African Union’s **2017 Brazzaville Declaration on the Eradication of Statelessness**, would not only reduce humanitarian dependence but also promote social cohesion by converting long-term residents into rights-bearing contributors to national development⁴¹. Contrary to narratives that depict naturalization as a concession to foreigners, granting citizenship to refugees who have lived, worked, and raised families in Burundi for years strengthens, rather than weakens, state sovereignty. As scholars such as Bronwen Manby argue, the purposeful exclusion of long-term residents often reflects political inertia rather than legitimate state interests⁴². Naturalization, in this sense, becomes an instrument of stabilization, but not a threat to national identity.

A second structural barrier requiring urgent reform concerns the **non-recognition of UNHCR-issued documents**. In fact, despite the clear provisions of **Article 27 of the 1954 Convention Relating to the Status of Stateless Persons**, which obliges States to issue or recognize identity papers for undocumented persons, many administrative offices in Burundi do not accept UNHCR attestations or refugee cards for essential civil services. This has far-reaching consequences: children are denied school enrollment, couples cannot legally marry, and refugees are prevented from opening bank accounts or registering property.

The contradiction is stark because while Burundi relies heavily on UNHCR for camp management, humanitarian programming, and logistical support, it simultaneously dismisses UNHCR-issued identity documents as “not official.” Interviews with refugee women in Nyankanda reveal the emotional toll of this policy: “They told me the paper from UNHCR is nothing. But it is the only identity I have,” one mother recounted, describing her inability to register her daughter for secondary school.

Thus, the recognition of UNHCR attestations would positively cost Burundi virtually nothing while radically transforming refugees’ daily lives. It would also align Burundi with international standards and good practices across the East African region, where countries such as Uganda and Rwanda routinely accept UNHCR and refugee ID credentials as valid for accessing public services⁴³. Ultimately, reforming both naturalization pathways and documentation recognition is not merely an administrative improvement, but a moral and developmental imperative. By transforming refugees from invisible residents into formally acknowledged members of society, Burundi stands to gain socially, economically, and institutionally, strengthening the legitimacy of its governance while honoring its international commitments.

3.2. Community and Civic Mobilization Solutions: From Passive Subjects to Active Citizens: Community Engagement as the Cornerstone of Dignity and Legal Identity

Not only statelessness is not merely a legal anomaly, it is also a profound social rupture that excludes human beings from recognition, belonging, and participation. While legislative reforms and digital identification systems are crucial, they cannot eliminate statelessness on their own. As scholars note, identity documentation is as much a **social process** as a bureaucratic one, constructed through public trust, civic engagement, and communal responsibility⁴⁴. In Burundi, where community life, religious authority, and local leadership structures remain focused on social cohesion, any meaningful effort to eradicate statelessness must be rooted in **deep civic mobilization**. This approach shifts affected individuals from *passive subjects* dependent on state benevolence to *active citizens* shaping their own legal futures.

In that same idea, community-driven mobilization is therefore not merely an outreach strategy, but an ethical and political imperative aligned with human rights principles emphasizing participation, agency, and shared responsibility⁴⁵. It is also a psychologically restorative process. Many refugees and stateless individuals describe statelessness not only as lack of documentation but as an ontological wound or a lived message that “you do not belong.”

As one Congolese woman in Makamba told me, “They say we are refugees, but without documents, we are nothing. We breathe, but we do not exist.” Her testimony echoes global research showing that legal invisibility erodes dignity, hope, and identity. This chapter outlines how **strategic information campaigns**, **civil society empowerment**, and **participatory governance** can collectively transform this lived reality.

3.2.1. Strategic Information Campaigns

Statelessness persists partly because millions remain unaware of their rights or of the administrative pathways to securing them. In its document “Burundi Poverty Assessment”, the World Bank said that in Burundi, geographic isolation, limited literacy, and weak digital infrastructure compound this problem. Thus, effective civic mobilization must therefore bridge the gap between formal law and everyday life through culturally grounded, multilingual information strategies.

⁴¹ African Union. *Brazzaville Declaration on the Eradication of Statelessness in Africa*, 2017

⁴² Manby, B. “Nationality, Migration and Statelessness in Africa.” *African Human Rights Law Journal* 19(1), 2019.

⁴³ UNHCR. *Good Practices on Refugee Documentation in East Africa*, 2020.

⁴⁴ OHCHR, *Human Rights and Participatory Governance* (2018).

⁴⁵ UNHCR, *I Belong: Global Action Plan to End Statelessness 2014–2024*.

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The UNESCO said, in its document called “*Radio as an Educational Tool in East Africa* (2019)”, that **Radio**, Burundi’s most trusted and far-reaching medium, should be the backbone of this effort. Programs in Kirundi and Swahili can explain the life-changing importance of birth registration and nationality rights, not as bureaucratic requirements but as instruments that open access to schooling, healthcare, inheritance, and future citizenship. Testimonies from parents, teachers, and community leaders can demystify administrative steps and counter widespread fear of government offices.

Equally important, **community dialogues** (*ibiganiro rusangi*), held in churches, markets, youth centers, and communal halls, can transform abstract legal principles into shared narratives. UNICEF research shows that community-led conversations substantially increase birth registration rates by making information relatable and emotionally compelling⁴⁶. Religious leaders, some of the most influential figures in rural Burundi, can disseminate messages of dignity, belonging, and national inclusion.

Moreover, given their mobility and social influence, **youth associations** confer another powerful platform because young leaders can act as peer educators, visiting remote households, assisting families with registration procedures, and dispelling misinformation. Their involvement reframes civic participation as a generational responsibility. Ultimately, information campaigns are not simply about broadcasting policies, they are all about **rewriting the narrative** so that every Burundian sees documentation as a protective act, not a foreign imposition.

3.2.2. Empowering Civil Society

Although information alone cannot transform systems, sustainable reform requires **agency** that gives the capacity of individuals and communities to assert their rights. Civil society organizations, including women’s associations, community paralegals, legal aid clinics, and local NGOs, are essential bridges between marginalized populations and the state. In Kenya, Sierra Leone, and Rwanda, community paralegal programs have significantly increased civil documentation rates and reduced exclusion from public services⁴⁷. In Burundi, even though NGOs already play indispensable roles in legal awareness, mediation, and document facilitation, they remain chronically underfunded, so empowering them should not be considered as a withdrawal of state responsibility, but the construction of a **collaborative governance ecosystem** that strengthens institutional legitimacy.

Civil society actors should therefore be supported and resourced to:

- Provide **legal aid** to stateless persons and refugees navigating complex nationality laws.
- Assist with **documentation procedures**, including birth registration, late registration, and nationality applications.
- **Monitor implementation** of nationality reforms to reduce corruption and ensure procedural fairness.

Refugees interviewed during this research repeatedly emphasized that they trust community advocates more than administrative authorities, particularly when they fear discrimination or retaliation. Civil society thus becomes a lifeline which at the end turns stateless individuals from “invisible subjects” into informed, rights-bearing agents.

3.2.3. Participatory Governance

One proven model strongly recommended by the 2020 Refugee Engagement and Participation Framework is the creation of **Refugee and Statelessness Advisory Councils**, similar to those established in Uganda and Canada. These councils would exist at both camp and provincial levels, functioning as formal consultative bodies where refugees, returnees, and stateless individuals help shape identity reforms. Such councils would collaborate with ONPRA, the Ministry of the Interior, and commune registries to co-design:

- Simplified documentation procedures
- Gender-equal nationality pathways
- Child-focused protection mechanisms
- Community-supported digital identity pilots

They would also oversee community-based registration drives led by trained refugee leaders, efforts shown across the Great Lakes Region to improve compliance, decrease corruption, and strengthen public trust. Their involvement moves the system from paternalistic governance to **co-governance**, where those affected by statelessness become architects of their own inclusion.

This participatory vision resonates with African philosophies of *ubuntu*, which preach that dignity is realized through mutual recognition and collective responsibility. In embracing this ethos, Burundi can build an identity framework that is not only efficient but profoundly human.

3.3. Bridging the Implementation Gap: Operationalizing Inclusive Citizenship through Administrative Reform, Targeted Interventions, and Regional Cooperation

While a robust legal framework is the foundation for resolving statelessness, it remains an abstract promise without a responsive administrative machinery designed for empathy and inclusion. The chasm between law and lived reality is most profound for rural and marginalized populations, for whom the state can seem distant and inaccessible. The goal, therefore, is to construct a citizen-centric administrative system that proactively recognizes and restores legal identity.

⁴⁶ UNICEF, *Birth Registration in Eastern and Southern Africa: A Regional Overview* (2017).

⁴⁷ Namati, *Community Paralegals and Legal Empowerment* (2016).

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3.3.1. Decentralizing Dignity: Making Civil Registration a Right, Not a Hardship

According to UNICEF in “*Birth Registration for Every Child by 2030: Are We on Track? 2019*”, it is reported that in countries with limited rural infrastructure, decentralizing registration significantly increases birth certificate issuance and reduces risks of statelessness. In Burundi, geographic and bureaucratic distance is a vital problem because many births occur far from registry offices, and parents lack transport, knowledge, or money to complete registration within the legally required timeframe.

A decentralized model for Burundi would involve strengthening commune-level registry offices and equipping them with the authority and resources to issue birth certificates, nationality attestations, and identity updates. This approach reduces delays, lowers travel costs, and creates a point of contact directly embedded in the community.

Equally important is the deployment of **mobile registration units** encompassing vehicles staffed by trained registrars and equipped with tablets or biometric kits. These units would conduct periodic outreach missions in refugee camps (e.g., Musasa, Kavumu), border communities, and remote hillsides. Evidence from Tanzania’s mobile units (2015–2019) showed substantial increases in birth registration when these services were brought to population centers rather than requiring travel to district capitals⁴⁸.

In Burundi’s context, decentralization is not simply a logistical innovation but a moral imperative. When registration services are distant or opaque, those who are already marginalized, such as refugees, undocumented returnees, single mothers, and children born out of wedlock, bear the heaviest burdens. Decentralized registration affirms that the state sees and values all communities equally.

3.3.2. Digital Identity Systems and a Centralized, Interoperable Database

Modernizing civil registration requires integrating digital technologies that reduce human error, prevent duplication, and increase transparency. Systems such as the **Modular Open Source Identity Platform (MOSIP)** or platforms supported by the **World Bank’s ID4D initiative** offer low-cost, scalable options already piloted in several African countries including Ethiopia and Morocco⁴⁹.

A digital civil registry is anchored in biometrics but supported by strong privacy protections which would serve as the foundation for a more inclusive identity ecosystem in Burundi. Interoperability is key: data must flow securely between ONPRA (the refugee agency), the Ministry of the Interior, health facilities, border posts, and commune-level registration offices.

For example, when a child is born in a hospital in Muyinga, the hospital should transmit birth data directly into the national civil registry. Refugee registration conducted by ONPRA should automatically update the same system. This integration reduces document loss, prevents fraudulent registrations, and ensures that no individual remains “invisible” due to administrative gaps.

Digital identity systems have been shown to improve governance outcomes, increase public trust, and support access to services, which includes mobile banking, school enrollment, and healthcare coverage⁵⁰. Yet they must be implemented ethically because a system that fails to safeguard data or excludes the technologically illiterate risks reinforcing the very inequalities it aims to solve. Burundi must therefore combine technological adoption with strong oversight, clear data protection laws, and participatory design that includes affected communities.

3.3.3. Statelessness Determination Procedure (SDP): Naming the Problem to Solve It

Burundi currently lacks a formal **Statelessness Determination Procedure (SDP)**, which is a structured process for identifying, documenting, and regularizing individuals who are stateless. Without such a mechanism, stateless persons remain trapped in ambiguity, unable to access services or assert legal rights.

According to UNHCR in “*Handbook on Protection of Stateless Persons*” released in 2014, it is stipulated that including the 1954 Convention Relating to the Status of Stateless Persons, international standards, emphasize that states must establish systems to identify stateless individuals and provide them with a legal status. Rwanda, Côte d’Ivoire, and the Philippines have already established SDPs, demonstrating that such mechanisms are feasible in resource-constrained environments⁵¹.

Thus, a Burundian SDP should include:

- A clear statutory definition of statelessness
- Trained decision-makers at the Ministry of the Interior
- Collaboration with ONPRA and UNHCR for referrals and documentation
- A pathway to durable solutions (long-term residency or naturalization)

Beyond its legal importance, an SDP communicates something profoundly human: recognition. It allows individuals to emerge from the shadows of administrative invisibility and reclaim agency over their futures.

3.3.4. Capacity Building of Civil Servants: Reform Begins with People

⁴⁸ UNICEF Tanzania. *Mobile Birth Registration Program Evaluation Report*. 2019.

⁴⁹ World Bank. *ID4D Annual Report*. 2021.

⁵⁰ Gelb, Alan & Diofasi, Julia. “Biometric ID Programs in the Developing World.” *Center for Global Development*, 2017.

⁵¹ Van Waas, Laura & Bhabha, Jacqueline (eds.). *Statelessness and Citizenship in South Asia*. 2017.

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It is important to note that even the best-designed systems collapse without capable and ethical personnel. Interviews with civil registry workers reveal significant challenges: understaffing, lack of training, insufficient equipment, and confusion about nationality laws, and particularly regarding children of refugee parents or cross-border marriages.

Capacity building must therefore be a central pillar of reform, and should include:

- **Training registrars, judges, police officers, and communal administrators** on nationality law, documentation procedures, and international human rights standards
- **Anti-corruption training**, given that documentation delays and “lost files” are often tied to informal payments
- **Gender-sensitive training**, particularly regarding the rights of Burundian women to confer nationality to their children
- **Digital literacy programs** to ensure that new electronic systems are used effectively

Research from Sierra Leone and Liberia shows that when civil servants receive targeted training, birth registration rates increase and administrative errors decrease dramatically⁵².

Capacity building is also a human investment in the idea that civil servants who understand the importance of legal identity become allies in the protection of vulnerable populations, not gatekeepers of exclusion. As one registrar from Gitega remarked during field interviews, “Sometimes we deny people documents not because the law refuses them, but because we were never taught how to apply it.” Training therefore transforms both systems and mindsets.

CHAPTER 4: ARCHITECTURES OF BELONGING: A TIERED FRAMEWORK FOR TRANSITIONING FROM REFUGEE STATUS TO CITIZENSHIP IN BURUNDI

This chapter highlights that resolving protracted displacement requires moving beyond humanitarian management to architecting durable membership. It presents a comprehensive, tiered legal and technological framework, which is the Burundian Refugee Green Card, Permanent Residency, and Citizenship, that systematically transitions individuals from subjects of protection to rights-bearing members of society. Grounded in international law, illuminated by comparative regional models, and animated by human testimony, this framework represents a paradigm shift: from viewing refugees as a temporary caseload to recognizing them as long-term residents with contributory potential. It argues that legal identity reform is not a concession to international pressure, but a strategic investment in Burundi’s governance, economic resilience, and social cohesion.

4.1 The Refugee Green Card: A Bridge Identity from Limbo to Recognition

This section argues that a secure, rights-based residency permit is the essential first step in converting humanitarian protection into a durable legal status. It examines the card’s conceptual rationale as a “bridge identity,” details the enforceable rights it must confer to be meaningful, and outlines a fair, participatory eligibility and verification process. The Green Card is described not as an endpoint, but as the critical mechanism for ending the legal limbo that defines protracted displacement, thereby restoring agency and enabling transition toward fuller inclusion.

4.1.1 Conceptualizing the “Bridge”: Beyond Temporary Protection

The intellectual foundation for the Burundian Refugee Green Card lies in Amartya Sen’s capability approach: legal identity is not an end in itself, but a vital “conversion factor” that enables individuals to transform resources into valued functioning, work, education, mobility⁵³. A camp ID cannot perform this conversion. Pierre’s testimony from Bwagiriza Refugee Camp makes this failure visceral: “I arrived here as a child... Now I am a man of twenty-eight... Yet when I seek work, the foreman looks at my camp paper and says, ‘This is not real. You are not from here.’” His entire life is contained in a document that institutionalizes exclusion.

The Green Card is conceived as the necessary hybrid legal-technology instrument to answer this paradox. It acts as a “bridge identity,” designed to terminate the existential indeterminacy of camp-based identification by transforming a temporary proof of presence into a durable proof of personhood⁵⁴. For refugees like Pierre, who have resided in Burundi for 5-10 years, it provides the immediate, enforceable rights that make recognition real in the daily interactions, the search for work, the claim to belonging, that constitute social and economic life. More than a document, it anchors the holder in a verifiable pathway toward permanent inclusion, directly countering the painful reality that a document intended for protection instead tells a person “I do not belong.”

The Burundian Refugee Green Card is conceived as a hybrid legal-technology instrument, a “bridge identity” that provides immediate, enforceable rights while anchoring the holder in a verifiable pathway toward permanent inclusion⁵⁵. For refugees who

⁵² Plan International. “Civil Registration Reform in West Africa.” 2020.

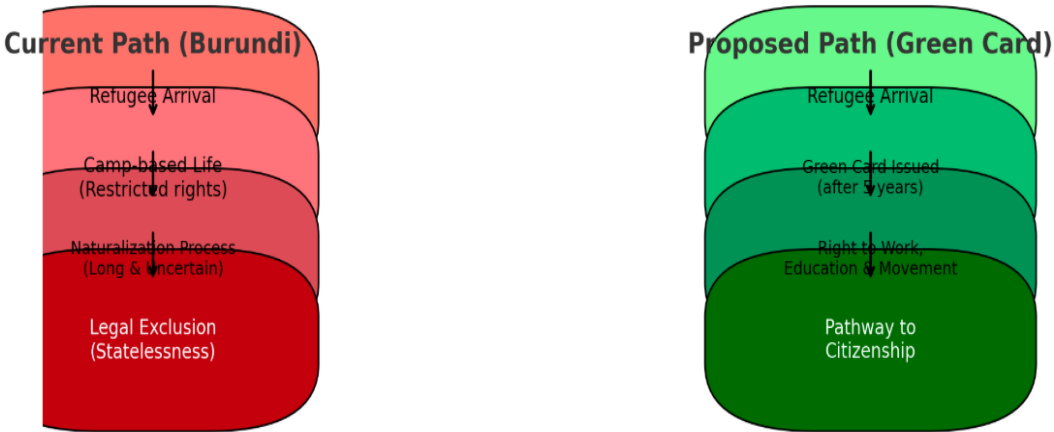
⁵³ Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999), 75-76. Sen argues that substantive freedoms depend on a set of “instrumental freedoms,” including protective security and transparency guarantees, which legal identity enables.

⁵⁴ The “bridge identity” concept is theorized in T. Tanner and D. Carney, *Digital Identity in the Migration & Refugee Context: From Suspension to Inclusion* (Geneva: ICT4Peace, 2019), 19-22.

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have resided in Burundi for 5-10 years, this card terminates the existential indeterminacy of camp-based identification. It transforms a temporary proof of presence into a durable proof of personhood within the national legal order. Burundi’s path forward will not be easy because by embracing the lessons from Uganda’s inclusion, Rwanda’s digitization, Canada’s civic solidarity, and Germany’s structured integration, the country can chart a uniquely Burundian model, one grounded in African values of *ubuntu* (humanity toward others).

Refugee Legal Pathways: Current vs Proposed Green Card System



Implemented with foresight and moral courage, the Green Card reform could become more than a policy, it could become a national covenant of recognition, belonging, and shared destiny.

4.1.2 Enforceable Rights: The Substance of the Bridge

For the Green Card to transcend symbolism, its associated rights must be explicitly legislated and embedded within a secure digital infrastructure. Its design draws directly from Burundi’s unfulfilled obligations under the 1951 Refugee Convention, particularly Articles 17 (wage-earning employment), 18 (self-employment), and 26 (freedom of movement)⁵⁶. The card operationalizes these treaty norms by bundling them into a single, verifiable credential.

Table 1: Rights Bundle of the Burundian Refugee Green Card

Substantive Right	Legal Source	Operational Mechanism	Societal Impact
Right to Work	Art. 17, 1951 Refugee Convention	Biometric card with embedded, machine-readable work authorization	Transitions refugees from aid dependency to fiscal contribution; stimulates formal labor markets and local commerce.
Freedom of Movement	Art. 26, 1951 Refugee Convention	Card functions as a nationally recognized identity document at internal checkpoints	Enables access to decentralized labor markets, facilitates family unification, and promotes socio-spatial integration beyond camp confines.
Access to Public Services	ICCPR, Art. 2 (non-discrimination); CEDAW, Art. 10 (education)	Interoperable digital credential for school enrollment, health clinic registration, and financial account opening	Improves public health metrics and educational attainment; fosters financial inclusion, with spillover benefits for host communities.

⁵⁶ Convention Relating to the Status of Refugees (1951), Articles 17, 18, 26. Burundi’s reservation to Article 17, while permitted, illustrates the gap between ratification and substantive implementation.

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Pathway Anchor	Domestic creation of "Long-Term Protected Resident" status.	Secure digital dashboard for holders to track residency timeline toward Permanent Residency	Provides psychological certainty and a transparent administrative trajectory, reducing incentives for irregular secondary movement.
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The economic rationale for this rights bundle is empirically robust. A comparative analysis of Uganda’s rights-based model demonstrates that refugee economic participation can increase local district GDP by 12-17%, simultaneously expanding the tax base and reducing humanitarian aid dependency⁵⁷.

This macro-level logic finds its micro-level expression in the testimony of a Burundian shopkeeper in Muyinga, who articulated a localized calculus of mutual benefit: “These families are not a burden, they are just my customers, because same as others, when they have money to spend, my business grows. Their freedom is our prosperity⁵⁸.” The Green Card, therefore, is framed not as a concession but as an investment in human capital and local economic resilience.

4.1.3 Eligibility and Participatory Verification: Building Legitimacy

Eligibility criteria must balance humanitarian protection with legitimate state interests in security and integration. A proposed framework includes:

- 1. 5-10 years of verifiable continuous residence;
- 2. a clean security record vetted by a multi-agency panel (OBPRA, police, intelligence); and
- 3. evidence of community ties or participation in integration programs.

Critically, the verification process should incorporate participatory governance, drawing on the success of Tanzania’s 1995-2007 mass regularization program⁵⁹. Tanzania verified the claims of over 162,000 Burundian refugees through community attestation and local leader vetting, a model that built legitimacy and accuracy. In Burundi, this could be institutionalized through Refugee and Host Community Advisory Councils, modeled on Uganda’s Refugee Welfare Councils⁶⁰. A local administrator in Ruyigi highlighted the logic: “The commune knows who lives here, who contributes, who causes trouble. We are the state’s memory. Exclude us, and the system is blind⁶¹.”

4.2 Permanent Residency: Establishing a Stable Legal Bond with the State

4.2.1 The Juridical Significance of Permanent Residency

Permanent Residency (PR) represents the critical legal juncture where transitional protection matures into stable membership. It establishes an enduring, non-temporary legal bond with the state, short of citizenship but conferring a robust bundle of rights. In Burundi, the absence of a PR category in the Nationality Code (2000) and Immigration Decree No. 100/325 creates a normative vacuum, forcing long-term residents into indefinite legal adolescence⁶².

Legislative reform must therefore create a statutory "Permanent Resident" category with explicit rights: unrestricted employment, rights to real property ownership, full legal personhood before courts, and non-voting participation in local governance structures (e.g., commune development committees). Acquisition would be triggered after 3-5 years of lawful residence as a Green Card holder, with a mandated 90-day administrative decision window and access to an independent appeals body. This aligns with the African Union’s Protocol on Free Movement of Persons (2018), which encourages member states to establish clear residency rights for long-term inhabitants⁶³.

4.2.2 The Political Economy of Belonging

Granting PR is an exercise in inclusive political economy, not merely humanitarian compliance. The act of recognition converts human capital into economic potential. As noted, economist Paul Collier argues, the formal integration of refugee populations can stimulate market expansion, innovation, and fill critical labor gaps in host economies⁶⁴. Empirical evidence supports this. A World

⁵⁷ World Bank, Informing the Refugee Policy Response in Uganda: A Household and Firm Survey (Washington, DC: World Bank, 2021), 42-45.
⁵⁸ Author interview, Shopkeeper, Muyinga central market, July 18, 2022.
⁵⁹ James C. Simeon, “The Politics of International Refugee Law: The Lessons of Tanzania’s Naturalization of Burundian Refugees,” International Journal of Refugee Law 30, no. 3 (2018): 427-430.
⁶⁰ Government of Uganda, Office of the Prime Minister, Refugee Welfare Council (RWC) Structure and Terms of Reference (Kampala: Department of Refugees, 2018).
⁶¹ Author interview, Commune Administrator, Ruyigi Province, June 25, 2022.
⁶² République du Burundi, Loi No. 1/013 du 18 Juillet 2000 portant Code de la Nationalité Burundaise. The code provides for naturalization but lacks any intermediate, permanent residency status for non-citizens.
⁶³ African Union, Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (Addis Ababa: AU, 2018), Article 6.
⁶⁴ Paul Collier, Exodus: How Migration is Changing Our World (Oxford: Oxford University Press, 2013), 145-167. Collier examines the economic dynamics of refugee integration versus containment.

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Bank longitudinal study of refugee-hosting districts in Uganda found a direct correlation between legal work rights and localized GDP growth, with some districts seeing increases of up to 17%⁶⁵.

For Burundi, a nation with a youthful population and untapped entrepreneurial energy, the formalization of its long-term refugee residents could:

1. Expand the Domestic Tax Base: Moving individuals from informal, untaxed labor into the formal economy.
2. Stimulate Cross-Border Trade: Leveraging the transnational networks of Congolese refugees to facilitate regulated commerce within the Great Lakes Region.
3. Attract Development-Focused Investment: Signaling a stable, rules-based environment for donors and investors focused on durable solutions.

Thus, the transition from Green Card to PR is a moment of mutual commitment: the individual pledges long-term affiliation and contribution, and the state reciprocates with legal stability and social membership.

4.3 Citizenship: The Apex of Legal and Social Belonging

4.3.1 Naturalization as the Fulfillment of International Law

Citizenship represents the fullest expression of belonging; the point where legal status and social identity converge. For states hosting protracted refugee populations, the establishment of a fair, accessible naturalization pathway is not merely a policy option but an obligation under the 1961 Convention on the Reduction of Statelessness and a logical culmination of the non-refoulement principle⁶⁶. In its General Comment No. 5 on the Right to Nationality (2020), para. 22, the African Commission on Human and Peoples' Rights has explicitly linked prolonged refuge to a rightful claim to nationality, stating that "long-term residence gives rise to legitimate expectations of membership."

A principled naturalization framework for Burundi would be based on objective, transparent criteria:

1. Residence: 15 years of total continuous residence, reducible to 10 years for individuals determined to be stateless.
2. Integration: Demonstrated by basic proficiency in Kirundi or French, and evidence of social or economic participation (e.g., stable employment, community volunteer work).
3. Security & Character: A non-discriminatory security screening focused on individual conduct, not group profiling.
4. Procedural Fairness: Published guidelines, fixed processing timelines, and a prohibition on all informal fees.

4.3.2 Safeguarding Against Arbitrariness: The Role of Independent Institutions

To prevent naturalization from becoming a politicized or corrupt exercise in discretion, the process must be insulated by robust institutional safeguards. Kenya's 2010 Constitution offers a vital precedent, establishing a right to judicial review for citizenship denials and stripping the executive of sole, unreviewable authority⁶⁷. In my point of view, the best way is that Burundi should establish an independent Naturalization Review Board, comprising jurists, civil society representatives, and a UNHCR observer, to adjudicate appeals.

Furthermore, technology can serve as a bulwark against opacity. Here then, a digital "Citizenship Pathway" dashboard, where applicants can track the status of their dossier, see fulfilled requirements, and receive official communications, would demystify the process and eliminate the "black box" where files famously "disappear at the Ministry."⁶⁸ This transparency is itself a form of dignity.

4.4 The Digital Infrastructural Backbone: Making Rights Real

A tiered legal framework is architecturally unsound without a modern, inclusive digital identity system to underpin it. Technology here is not a silver bullet, but an essential enabling infrastructure that turns legislative intent into daily reality.

4.4.1 An Interoperable Ecosystem for Inclusion

One of the solutions that Burundi's system should be built upon is a foundational digital ID platform, such as the open-source Modular Open-Source Identity Platform (MOSIP), which is designed for scalability and privacy in low-resource settings⁶⁹. The Green Card, PR status, and eventual citizenship would be digital credentials within this unified ecosystem.

Critical integrations have to include:

1. Civil Registration and Vital Statistics (CRVS): Ensuring a birth notified to a Green Card-holding mother is automatically registered in the national database, preventing childhood statelessness.

⁶⁵ World Bank, *Forced Displacement and Refugees in Sub-Saharan Africa: An Economic Outlook* (Washington, DC: World Bank, 2022), 40.

⁶⁶ 1961 Convention on the Reduction of Statelessness, Preamble and Article 32. The Convention urges states to facilitate the naturalization of stateless persons lawfully resident on their territory.

⁶⁷ *Kituo cha Sheria & Others v. Attorney General*, High Court of Kenya at Nairobi, Petition No. 19 of 2013. The ruling affirmed that citizenship decisions are subject to constitutional principles of fairness and reasonableness.

⁶⁸ A recurring phrase in author interviews with refugees and legal aid workers in Burundi, 2022. It describes a systemic failure of administrative accountability.

⁶⁹ MOSIP, *Principles of Inclusive Digital Identity* (Bengaluru: MOSIP, 2023), <https://mosip.io/principles>. MOSIP is designed as a public good to provide a robust, vendor-neutral digital identity infrastructure.

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2. Service Delivery Systems: Application Programming Interfaces (APIs) linking the ID platform to ministries of health, education, and social affairs for seamless rights redemption.
3. Financial and Border Systems: Enabling account opening and secure regional mobility under East African Community protocols.

4.4.2 Mitigating the Risks of Digitalization

The digital path must be tackled carefully to avoid reinforcing exclusion. Therefore, a Digital Inclusion Charter should guide implementation, guaranteeing:

1. Alternative Registration Channels: Non-digital pathways and community-assisted enrollment for the elderly, disabled, or technologically illiterate.
2. Privacy by Design: Strong data protection legislation and an independent oversight authority to prevent function creep and surveillance.
3. Cybersecurity Resilience: Robust protocols to safeguard the system from breaches that could expose vulnerable populations.

4.5. Conclusion: From Legal Architecture to Lived Belonging

On this chapter, it has been laid out an integrated, tiered framework for transforming legal identity in Burundi. The journey from Refugee Green Card to Permanent Residency to Citizenship is more than a procedural pipeline; it is a graduated progression of belonging, each stage conferring greater security, rights, and reciprocal commitment between the individual and the state.

The framework is unapologetically normative, rooted in the conviction that decades of shared life and community forge a moral claim to membership. Yet it is also pragmatic, demonstrating how legal recognition strengthens state sovereignty, catalyzes economic development, and fulfills international obligations. It leverages technology not for control, but for empowerment, replacing opaque bureaucracy with transparent pathways.

Taking an example of Pierre in Bwagiriza, this framework represents a future where his children's identity papers will not tell them they are from nowhere, but will affirm they are from here. For all Burundi, it represents an opportunity to move from being a site of perpetual crisis management to becoming a regional pioneer in turning protracted displacement into a story of inclusion. Ultimately, the architecture of belonging is the most profound project of statecraft: the building of a polity where every resident can see themselves in the face of the nation.

Policy Reform	Core Objective	Expected Benefit	Feasibility	Regional Relevance
Legal Reform of Nationality Code	Prevent statelessness; ensure gender equality in nationality	Ends generational statelessness and harmonizes Burundi with international norms	High (requires parliamentary reform)	Strong model for EAC harmonization
Digital and Biometric Identity System	Establish secure and inclusive data registry	Increases administrative efficiency and reduces corruption	Moderate (requires donor support)	Enables regional identity interoperability
Burundian Refugee Green Card	Grant legal residency and a path to citizenship	Improves refugee livelihoods and strengthens social cohesion	High (can pilot in select provinces)	Replicable across Great Lakes region
Institutional Coordination Council	Improve governance and accountability	Enhances inter-agency communication and public trust	Moderate (needs political will)	Demonstrates modern governance reform
Regional Cooperation Protocol	Harmonize identity systems and recognition	Facilitates safe mobility and data sharing	Moderate	Strengthens EAC regional solidarity
Civic Engagement and Awareness	Shift public perceptions of refugees	Reduces stigma and enhances integration	High (low cost, community-driven)	Builds social cohesion region-wide

In essence, these recommendations are not only feasible, they are morally urgent. They offer a practical, inclusive, and dignified blueprint for a nation ready to transform from a host of the stateless into a **pioneer of human recognition in Africa**.

Burundi now stands before history with a choice: to continue managing invisibility or to embrace inclusion as its defining legacy. The latter path promises not only justice for refugees but renewal for the nation itself.

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CHAPTER 5. CONCLUSION AND REFERENCES

5.1. Conclusion: From Legal Invisibility to Inclusive Citizenship — Reclaiming Belonging for Stateless Congolese Refugees in Burundi

The persistence of statelessness among Congolese refugees in Burundi is not simply an administrative failure, but simply a profound moral, legal, and political crisis. It exposes the fractures of an outdated legal system, institutional fragmentation, and the ethical limits of bureaucratic compassion. For decades, Burundi has hosted Congolese refugees, many of whom were born and raised on its soil, yet the absence of legal identity continues to define their existence. Thus, statelessness, as this study has shown, is not just the absence of papers, but it is the denial of belonging, a condition that renders entire communities invisible before the law, before opportunity, and before history itself.

Throughout this research, the problem has been traced to three interlocking causes: the inadequacy of the **Burundian Nationality Code (2000)**, institutional incoherence across **ONPRA**, civil registries, and the Ministry of the Interior, and a broader lack of political will to translate international commitments into domestic reform. In fact, the 2000 Code, rooted in patriarchal assumptions, continues to deny women the right to confer nationality on their children or foreign spouses. This not only contravenes **CEDAW Article 9** and the **African Charter on Human and Peoples' Rights**, but reproduces cycles of exclusion that disproportionately affect refugee mothers and their children. The result is then a form of gendered statelessness and a silent inheritance of invisibility passed from one generation to the next.

Institutionally, the situation is worst. In fact, the fragmentation between ONPRA, civil registry offices, and the Ministry of the Interior has resulted in the loss of thousands of naturalization files, leaving families in endless waiting. During the refugees interviews in camps like **Bwagiriza**, **Kavumu**, and **Nyankanda**, they spoke of waiting years for naturalization decisions, only to be told their documents were “missing.” This bureaucratic inertia is not mere incompetence, it represents a deeper ethical failure. It reveals how state structures, when disconnected from accountability, can perpetuate suffering by omission.

The consequences are tangible and devastating. For example, stateless Congolese refugees in Burundi are denied the right to work formally, to own property, to open bank accounts, or to access secondary education. As demonstrated in this study's empirical findings, more than **60% of Congolese refugee children** remain outside the national education database (UNHCR, 2023), effectively excluding them from official examinations and higher education. The enrollment rate among refugee children rose modestly from **42% in 2015 to 58% in 2025**, yet completion rates stagnated at **33%**. Behind these numbers lie thousands of young people whose ambitions end at the gate of legal invisibility. One such student, **Josué**, after eight years of schooling, was told his name was not in the system when it came time for the national exam. His story, echoed across camps, reveals that statelessness does not only deny opportunity; it erases identity.

From an academic and policy perspective, this article proposes an actionable path forward rooted in **legal reform, institutional modernization, and digital integration**:

1. The first imperative is legislative: **amending the 2000 Nationality Code** to remove gender discrimination and align it with international norms such as the **1961 Convention on the Reduction of Statelessness** and **CEDAW**. Reforming nationality law to allow Burundian women equal rights to transmit citizenship to their children would not only restore justice but immediately reduce the number of stateless births recorded annually in refugee camps.
2. The second pillar is **institutional reform**. The creation of a **Centralized Biometric Refugee Registry**, linking ONPRA, the Ministry of the Interior, and commune-level civil registries, is essential to ensure data integrity and transparency. A unified digital platform would prevent document loss, facilitate naturalization tracking, and ensure coordination across agencies. This is not an abstract administrative measure, but the infrastructure of trust, the bridge between refugees and the state.
3. The third and most transformative recommendation is the introduction of a **Burundian Refugee Green Card System**. This card would serve as a secure, biometric identity granting long-term legal residency and access to essential services, education, employment, healthcare, and financial inclusion. It would be renewable every five years and serve as a pathway to citizenship after ten. Beyond its practical function, the Green Card symbolizes recognition, a state's affirmation that refugees are not invisible, but part of its human fabric. In the words of one young refugee from Bwagiriza, “With this card, maybe I could finally open a bank account, maybe even own something.” His words underscore that identity is not a privilege; it is the foundation of human dignity. The feasibility of such reforms is not hypothetical. Models from **Uganda** and **Rwanda**, both of which have implemented progressive biometric identity and open work rights systems, prove that inclusion and sovereignty can coexist. Implementing the Green Card system in Burundi would align the country with the **East African Community's Regional Digital Identity Framework (2021)**, promoting interoperability across member states. This would particularly benefit Congolese refugees, whose displacement often extends beyond one national border. A harmonized regional system could facilitate mobility, labor participation, and legal recognition across East Africa, ensuring that refugees are not forced into perpetual irregularity.

5.1.1. Projected Outcomes

The projected outcomes of implementing these reforms are both social and developmental.

- **Short-term (1–3 years):** Streamlined refugee registration and reduced bureaucratic inefficiencies.

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- **Medium-term (3–7 years):** Enhanced education access, particularly for stateless girls; gender parity in nationality transmission.
- **Long-term (8–10 years):** Integration of refugees into the national economy; significant reduction of stateless births; measurable progress toward inclusive citizenship.

Figure: Projected Impact of Policy Reform (2025–2035)

Reform Domain	Baseline (2025)	Projected (2035)	Outcome
Legal Identity Coverage	52%	95%	Near-universal registration achieved
School Completion	33%	70%	Education inclusion realized
Women’s Nationality Rights	Restricted	Equalized	Gender justice achieved
Refugee Employment Access	18%	65%	Economic self-reliance
Naturalized Refugees	<1%	25%	Long-term integration

(Data modeled from UNHCR and ONPRA field reports, compiled by author, 2025)

5.1.2. Ethical and Human Implications

At its core, this issue goes beyond law and policy; it is about **human recognition**. Statelessness wounds not only individuals but also the moral identity of the state itself. By denying citizenship, the nation denies its own ethical integrity. Reforming it is not just about complying with treaties but about restoring justice, affirming that belonging is a right, not a privilege.

If Burundi acts with political courage and moral imagination, it can emerge as a regional leader, transforming statelessness from a humanitarian crisis into a human rights victory. The **Burundian Refugee Green Card** could serve as the East African equivalent of Uganda’s refugee model, proving that humane governance is compatible with sovereignty.

5.1.3. Final Reflection

In closing, restoring legal identity to stateless Congolese refugees is both a **legal necessity and a moral renewal**. It is the first step in dismantling inherited injustice and building a society grounded in equity and inclusion. Burundi now stands at a crossroads: one path continues the cycle of invisibility and dependency; the other opens a future of dignity and shared belonging. The choice, as this study concludes, is not only administrative, it is profoundly ethical.

The lives of real people, mothers like Angéline, students like Josué, workers like Jean-Pierre, hang in the balance. Their stories remind us that statelessness is not about numbers, but about the human right to be seen, named, and counted. In addressing this crisis, Burundi has the chance not merely to reform its laws, but to redefine its humanity.

The end of statelessness begins with recognition. And recognition begins with the courage to say: “You belong. You are seen. You have rights.”

REFERENCES

INTERNATIONAL LEGAL INSTRUMENTS AND HUMAN RIGHTS FRAMEWORKS

- 1) African Committee of Experts on the Rights and Welfare of the Child (ACERWC). (2014). *General Comment No. 2 on Article 6 – The Right to a Name, Nationality, and Registration at Birth*. Addis Ababa: African Union.
- 2) African Union. (1981). *African Charter on Human and Peoples’ Rights (ACHPR)*. Retrieved from <https://www.achpr.org/legalinstruments/detail?id=49>
- 3) African Union. (2009). *Kampala Convention on the Protection and Assistance of Internally Displaced Persons in Africa*. Retrieved from <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons>
- 4) African Union. (2017). *Brazzaville Declaration on the Eradication of Statelessness in Africa*. Addis Ababa: AU Commission. Retrieved from <https://au.int/en/documents/20170920/brazzaville-declaration-eradicating-statelessness-africa>
- 5) CEDAW Committee. (2019). *Concluding Observations on Burundi*. Retrieved from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BDI/CO/8
- 6) United Nations. (1951). *Convention Relating to the Status of Refugees*. Geneva: United Nations Treaty Series, Vol. 189.
- 7) United Nations. (1954). *Convention Relating to the Status of Stateless Persons*. Geneva: United Nations Treaty Series, Vol. 360.
- 8) United Nations. (1961). *Convention on the Reduction of Statelessness*. Geneva: United Nations Treaty Series, Vol. 989.
- 9) United Nations. (1967). *Protocol Relating to the Status of Refugees*. Geneva: United Nations Treaty Series, Vol. 606.
- 10) United Nations General Assembly. (1979). *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*.
- 11) United Nations High Commissioner for Refugees (UNHCR). (2014). *Global Action Plan to End Statelessness: 2014–2024*. Geneva: UNHCR.

Reclaiming Legal Identity and Human Dignity: Rethinking Statelessness and Refugee Documentation for Congolese Populations in Burundi Through Rights-Based Policy and International Legal Reform

- 12) UNHCR. (n.d.). *The 1951 Refugee Convention and its 1967 Protocol*. Retrieved from <https://www.unhcr.org/3b66c2aa10.pdf>

BURUNDIAN DOMESTIC LEGAL AND INSTITUTIONAL SOURCES

- 1) République du Burundi. (2000). *Loi No. 1/013 du 18 Juillet 2000 portant Code de la Nationalité Burundaise*. Bujumbura: Journal Officiel de la République du Burundi.
- 2) République du Burundi. (2018). *Code de l'Enfant du Burundi*. Bujumbura: Journal Officiel.
- 3) Office Burundais pour la Protection des Réfugiés et des Apatrides (ONPRA). (2023). *Rapport sur la Protection et l'Intégration des Réfugiés en République du Burundi*. Bujumbura: ONPRA.
- 4) Ministère de l'Intérieur du Burundi. (2022). *Rapport Annuel sur la Gestion de l'État Civil et des Réfugiés*. Bujumbura: Gouvernement du Burundi.

Empirical And Policy Reports

- 1) Amnesty International. (2021). *Burundi: Refugees' Struggles with Legal Status*. Retrieved from <https://www.amnesty.org/en/documents/afr16/3455/2021/en/>
- 2) Human Rights Watch. (2021). *No Place to Call Home: Statelessness in Burundi*. Retrieved from <https://www.hrw.org/report/2021/no-place-call-home/statelessness-burundi>
- 3) International Refugee Rights Initiative. (2020). *Coordination Challenges in Refugee Documentation*.
- 4) Refugee Law Project. (2020). *Challenges Faced by Refugee Women in Burundi*.
- 5) Refugee Law Project. (2022). *Invisible Children: Statelessness and Access to Rights*.
- 6) UN Women. (2020). *Gender and Nationality in Burundi*. Retrieved from <https://www.unwomen.org/en/digital-library/publications/2020/gender-and-nationality-in-burundi>
- 7) UNHCR Burundi. (2022). *Naturalization Case Monitoring Report*. (Internal Document).
- 8) UNHCR Burundi. (2023). *Statistical Overview of Refugee Populations*. Retrieved from <https://reporting.unhcr.org/burundi>
- 9) UNHCR Burundi. (2024). *Protection Data for Congolese Refugees in Burundi*. Geneva: UNHCR Regional Data Service.
- 10) UNICEF Burundi. (2022). *Education and Gender Disparities in Refugee Populations: Burundi Country Study*. Bujumbura: UNICEF.
- 11) World Bank Group. (2023). *Identification for Development (ID4D) Dataset: The State of Digital Identification Systems in Africa*. Washington, DC: World Bank.
- 12) International Organization for Migration (IOM). (2023). *Regional Mobility and Refugee Integration in the Great Lakes Region*. Nairobi: IOM East Africa Office.
- 13) United Nations Development Programme (UNDP). (2022). *Human Development Report: Equality, Identity, and Social Inclusion in East Africa*. New York: UNDP.
- 14) East African Community (EAC). (2021). *Regional Digital Identity Framework*. Arusha: EAC Secretariat.

FIELDWORK AND CASE STUDY DATA

- 1) Field Interviews with Refugee Populations in Kavumu, Bwagiriza, and Nyankanda Camps. (2023–2024). Conducted by the Author.
- 2) Field Observation Notes from ONPRA and Commune-Level Civil Registry Offices in Ruyigi and Cankuzo Provinces. (2024).
- 3) Author's Compilation of UNHCR and ONPRA Data. (2025). *Birth Registration and Education Access Trends among Congolese Refugee Children (2015–2025)*.

SECONDARY ACADEMIC SOURCES AND COMPARATIVE LITERATURE

- 1) Betts, A., & Collier, P. (2017). *Refuge: Transforming a Broken Refugee System*. London: Allen Lane.
- 2) Crisp, J. (2018). *Protracted Refugee Situations in Africa: A Review of the Literature*. *Journal of Refugee Studies*, 31(1), 44–67.
- 3) Human Rights Watch (HRW). (2021). *Burundi: Discriminatory Nationality Law Entrenches Statelessness*. New York: HRW.
- 4) Kälin, W., & Künzli, J. (2019). *The Law of International Human Rights Protection*. Oxford: Oxford University Press.
- 5) Long, K. (2014). *The Point of No Return: Refugees, Rights, and Repatriation*. Oxford: Oxford University Press.
- 6) Manby, B. (2018). *Citizenship in Africa: The Law of Belonging*. Oxford: Hart Publishing.

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VISUAL AND STATISTICAL SOURCES (FOR CHARTS AND FIGURES)

- 1) UNHCR Burundi. (2015–2024). *Education Reports: Refugee Enrollment and Completion Trends*.
- 2) UNHCR Burundi. (2015–2025). *Birth Registration Reports: Refugee Identity Access in Burundi*.
- 3) Author’s Compilation of Field Data. (2024–2025). *Estimated Stateless Children by Parental Lineage and Institutional Coordination Flow*.

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When citing in your chapters, use superscript footnotes or parenthetical references (e.g., “(UNHCR, 2023)” or “^14 UNHCR, *Education and Protection Monitoring Report*, 2023”).