



# Proportionate regulation in Uganda:

A gateway for refugees accessing mobile services in their own name.

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## GSMA Mobile for Humanitarian Innovation

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## Executive summary

The world's refugee population is growing. People flee their homes for many reasons, ranging from conflict to natural disasters, and forced migration creates overwhelming challenges, not only for refugees, but also for humanitarian and private sector organisations that provide services for the displaced. Although mobile connectivity is not an antidote to the challenges refugees face, evidence shows that access to connectivity improves the lives of refugees in a variety of ways.

Many governments have mandatory proof of identity requirements for individuals to activate mobile-enabled services in their own name, but since refugees often do not have recognised identity documents (ID), they can find it difficult to meet the Know Your Customer (KYC) requirements that mobile network operators (MNOs) are obligated to meet.

Recognising the regulatory barriers that refugees in Uganda were facing, the GSMA Mobile for Humanitarian Innovation (M4H) programme and the UN Refugee Agency (UNHCR) embarked on a joint advocacy effort to explore how access to mobile services could be improved for refugees. These joint efforts resulted in the Government of Uganda adopting a proportionate regulatory policy whereby the Uganda Communications Commission

(UCC) issued a more enabling directive to the mobile industry. Under the new order, over 600,000 refugees who did not have government-issued refugee ID but had attestation letters issued by the Office of the Prime Minister (OPM), can now legally access mobile-enabled services in their own names.

This case study examines how this recent policy change led to the activation of SIM-enabled services by MNOs and the impact this has had on the lives of refugees in Uganda. The policy shift is instructive and a worthy case for replication in other markets or jurisdictions as it has made development interventions more efficient and created a best practice policy framework that supports digital, and often financial, inclusion strategies for the forcibly displaced, particularly refugees.

# Background

The pace at which populations around the world are being forcibly displaced is higher than ever. This raises several challenges for host countries, host communities and, most of all, those forced to leave their homes.<sup>1</sup> The UNHCR estimates this population at 70.8 million and the reasons for displacement range from armed conflict to poverty, human rights violations and natural disasters. This figure includes 25.9 million refugees, 3.5 million asylum seekers and 41.3 million internally displaced persons (IDPs).<sup>2</sup>

As part of a broader effort to achieve the United Nations Sustainable Development Goals (SDGs), development organisations have become increasingly focused on minimising the negative impacts of displacement on forcibly displaced persons (FDPs), as well as host countries and communities. Unlike IDPs, refugees and asylum seekers face particular vulnerabilities as non-citizens and require special protective measures. Broad-based solutions for those in this special category of FDPs may not suffice.

To support host communities, the private sector and development organisations manage the internal shocks associated with the influx of refugees, and therefore have an interest in promoting stable and effective long-term solutions. Although mobile-enabled technology is not a panacea, evidence shows that access to mobile connectivity improves

the lives of refugees in a number of ways, for example, by using a more dignified process to deliver humanitarian aid.<sup>3</sup>

Numerous GSMA reports have demonstrated how mobile can facilitate financial inclusion,<sup>4</sup> access to utilities such as energy, access to information to improve food security and mobile-enabled identity services.<sup>5</sup> While the majority of FDPs do not have a government-recognised identity document, as of December 2018 an estimated 150 governments across the globe have proof of identity requirements to activate a SIM card and access mobile services.<sup>6</sup> This case study focuses on a policy change in Uganda that facilitated the activation of SIM-enabled services by MNOs and had a life-changing effect on refugees living in Uganda, the largest refugee-hosting country in Africa.



1. World Bank (2016), [Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced and their Hosts](#).  
2. UNHCR (2019), [Figures At a Glance - Statistical Yearbooks](#).  
3. GSMA (2019), [The Digital Lives of Refugees: How Displaced Populations Use Mobile Phones and What Gets In The Way](#).  
4. GSMA (2017), [Enabling Access to Mobile Services for the Forcibly Displaced: Policy and Regulatory Considerations for Addressing Identity-Related Challenges in Humanitarian Contexts](#).  
5. GSMA (2019), [The Digital Lives of Refugees: How Displaced Populations Use Mobile Phones and What Gets In The Way](#).  
6. GSMA (2019), [Access to Mobile Services and Proof of Identity 2019](#).



# Uganda: The country context

Uganda has a long history of hosting refugees. The country is one of the world's top three refugee-hosting countries, with 1.38 million refugees living inside its borders as at the end of 2019.<sup>7</sup> To ensure that refugees can integrate and adapt to the host society without giving up their own identity,<sup>8</sup> and that host governments support these efforts,<sup>9</sup> it is necessary to have a multifaceted strategy that involves multiple parties, including humanitarian organisations like UNHCR and private sector actors like MNOs.

7. UNHCR (2020), Uganda Comprehensive Refugee Response Portal – Refugees and Nationals by Districts.  
8. UNHCR (2014), *The Integration of Refugees*.  
9. GSMA (2017), *Enabling Access to Mobile Services for the Forcibly Displaced: Policy and Regulatory Considerations for Addressing Identity-Related Challenges in Humanitarian Contexts*.

## Box 1

### Uganda's policy environment and new digital initiatives for refugees

- In 1976, Uganda acceded to the UNHCR 1951 Convention relating to the Status of Refugees. In 1987, the country ratified the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.<sup>10</sup>
- Uganda's large refugee population is the result of civil strife in neighbouring countries, with most people coming from South Sudan followed by the Democratic Republic of Congo (DRC).<sup>11</sup> Uganda's progressive refugee policy environment has given it considerable leverage in deciding how to implement its policies and what to focus on. The government grants refugees freedom of movement, the right to work and access to social services.
- The asylum policy and practice of Uganda are governed by the Refugees Act, enacted by the Parliament of Uganda in 2006. Its administrative framework falls under the mandate of the Office of the Prime Minister (OPM). The OPM is an implementing partner of UNHCR for the country's refugee programme.<sup>12</sup>
- Refugees are located across 13 districts, with the highest populations in Yumbe (223,253), Adjumani (202,479), Arua (155,107) and Isingiro (130,462).<sup>13</sup>
- Bidi Bidi is the largest refugee settlement in Uganda and the second largest in the world. In 2018, it was estimated that 73 per cent of men and 44 per cent of women in Bidi Bidi own a phone. While 80 per cent of the population lives within one kilometre of a mobile money agent, around a third of the businesses use mobile money services.<sup>14</sup>
- Recognising an opportunity to serve refugees, MNOs such as Airtel, MTN and Africell, have begun investing in Bidi Bidi settlement, initially setting up temporary Cells on Wheels (COWs) to provide mobile connectivity for refugees and those in the surrounding neighbourhood.<sup>15</sup>
- In 2017, a partnership between Danish Church Aid and Uganda Airtel transferred about USD 600,000 in humanitarian cash payments to 24,000 refugees in Bidi Bidi refugee settlement through mobile money.<sup>16</sup>
- At the end of 2019, Mercy Corps launched the AgriFin Mobile project, an agritech programme that uses digital channels and mobile platforms to deliver crop management tools and financial services.
- Mobile money penetration in Uganda is over 50 per cent of the adult population, making it one of the world's most mature mobile money markets.<sup>17</sup>

10. UNHCR (2011), Uganda's Universal Periodic Review.  
11. UNHCR (2019), Figures At a Glance – Statistical Yearbooks  
12. UNHCR (2016), Uganda's Universal Periodic Review.  
13. UNHCR (2020), Uganda Comprehensive Refugee Response Portal – Refugees and Nationals by Districts.  
14. GSMA (2019), *The Digital Lives of Refugees: How Displaced Populations Use Mobile Phones and What Gets In The Way*.  
15. Urban Institute (2018), High-Tech Humanitarians: Airtel Uganda's Partnership with DanChurchAid.  
16. Ibid.  
17. GSMA (2019), *The Digital Lives of Refugees: How Displaced Populations Use Mobile Phones and What Gets In The Way*.

## Access to mobile for refugees and Uganda's policy framework

“Communication is a fundamental part of humanitarian response and is essential in ensuring accountability, transparency and operational effectiveness. The new directive will enable the majority of refugees to legally access SIM cards and ease communication with families and also with UNHCR through the refugee helpline.”

– Joel Boutroue, UNHCR representative in Uganda

Under the Uganda Refugees Act of 2006, a recognised refugee is issued a refugee ID card that provides proof of identity and status. Once issued, the Act states that a refugee has the right to fair and just treatment without discrimination on grounds of nationality. For states that are not parties to the 1951 Convention relating to the Status of Refugees, UNHCR has sometimes found it necessary to issue a certificate, also known as an attestation letter, that states a person of concern (PoC) is a refugee within its mandate. Technically, the attestation letters issued by UNHCR have no legal force,<sup>18</sup> but in Uganda the responsibility to issue the family attestation letters lies with the OPM.

In most refugee-hosting countries, Uganda included, MNOs are subject to mandatory SIM registration obligations<sup>19</sup> that require potential customers to

present approved ID for a SIM card to be activated in their own name. For refugees in Uganda, until the later part of 2019, this was a government-issued refugee ID. Like other classes of displaced persons, refugees often do not have a recognised ID and are unable to meet Know Your Customer (KYC) requirements.<sup>20</sup>

Until August 2019, government-issued attestation letters were not recognised by MNOs in Uganda as acceptable documents for KYC purposes. This meant that asylum seekers and refugees without a government-issued ID, or “refugee ID”, found it difficult to access SIM and mobile-enabled services in their own names, and this was compounded by delays in the ID being issued. ID challenges also created barriers for MNOs to offer both basic and value-added services (VAS) to FDPs.<sup>21</sup> Refugees would therefore find workarounds to obtain SIM cards, for example, registering multiple SIM cards with a single refugee ID, buying SIM cards on the black market or registering a SIM card using the credentials of a friend who had a national or a refugee ID. To prevent this, the Uganda Communications Commission (UCC) would periodically raise concerns about fraudulent SIM activations, which often led to deactivations or suspension of MNO-led SIM registration exercises for refugees.<sup>22</sup>

18. UNHCR (1984), Identity Documents for Refugees EC/SCP/33.

19. GSMA (2019), Access to Mobile Services and Proof of Identity 2019.

20. GSMA (2017), Enabling Access to Mobile Services for the Forcibly Displaced: Policy and Regulatory Considerations for Addressing Identity-Related Challenges in Humanitarian Contexts.

21. UNHCR (2019), Displaced and Disconnected.

22. UCC (October 2019), Press Statement: Suspension of All SIM Registration with the Use of Refugee Cards and Attestation Letters from OPM.

## Towards a more enabling policy environment

Although the challenges of refugees and MNOs were clear, evidence was needed to inform appropriate policy. In 2018, UNHCR and the GSMA embarked on joint research to examine the barriers refugees face in accessing mobile services across 20 countries.<sup>23</sup> Among other findings, the research revealed that many refugees are accessing SIM cards and phone ownership is on the rise,<sup>24</sup> but ID-related legal requirements are a significant barrier to mobile connectivity.<sup>25</sup> In addition, government policies requiring approved IDs to activate a SIM card, as well as the time it takes for governments to issue IDs to displaced groups, means that a significant number of refugees cannot legally activate mobile-enabled services, open a bank account or access a mobile money wallet in their own name. Given that humanitarian organisations are increasingly moving

from in-kind to cash assistance, and in Uganda this may be delivered through mobile money,<sup>26</sup> these challenges impede the efficient and effective distribution of humanitarian aid.<sup>27</sup>

The research recommendations therefore included the need for UNHCR and other actors, such as the GSMA, to work closely with policymakers and regulators to lower these barriers, especially expanding acceptable forms of IDs, facilitating more timely registration and widening access to government-recognised IDs.<sup>28</sup> One recommended approach was to advocate to governments to adjust policies and rules for SIM registration, explore lower-tier KYC requirements based on more accessible forms of documentation<sup>29</sup> and properly inform stakeholders, including service providers, to make them aware of the adjusted requirements.<sup>30</sup>

23. Afghanistan, Bangladesh, Brazil, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of Congo, Ethiopia, Jordan, Kenya, Lebanon, Mauritania, Niger, Nigeria, Rwanda, Tanzania, Turkey, Uganda and Zambia.

24. GSMA (2019), The Digital Lives of Refugees: How Displaced Populations Use Mobile Phones and What Gets In The Way.

25. UNHCR (2019), Displaced and Disconnected.

26. GSMA (2020), Connecting the Frontier: Last Mile Distribution in Bidibidi Settlement, Uganda.

27. GSMA (2017), Enabling Access to Mobile Services for the Forcibly Displaced: Policy and Regulatory Considerations for Addressing Identity-Related Challenges in Humanitarian Contexts.

28. UNHCR (2019), Displaced and Disconnected.

29. GSMA (2017), Enabling Access to Mobile Services for the Forcibly Displaced: Policy and Regulatory Considerations for Addressing Identity-Related Challenges in Humanitarian Contexts.

30. UNHCR (2019), Displaced and Disconnected.

Recognising the regulatory barriers refugees experience, and to complement the work of the Connectivity Technical Working Group (CTWG), established to enhance the coordination and operational effectiveness of addressing connectivity for refugees and host communities in Uganda, in July 2019 the GSMA's Mobile for Humanitarian Innovation (M4H) programme and the UNHCR hosted a joint workshop in Kampala attended by the UCC, MNOs, the OPM, the United Nations Capital Development Fund (UNCDF) and humanitarian organisations. The aim of the workshop was to explore how access to mobile-enabled services can be eased for refugees through a more enabling regulatory environment that protects yet minimises undue compliance costs of life-enhancing mobile services, and to discuss how mobile-enabled technologies can be leveraged to help refugees integrate effectively.

The most critical concern raised at the workshop was the proof of identity requirements for refugees to activate a SIM card, as this posed challenges at both the policy and operational level. Industry concerns revolved around the need for clarity on what proof of identity was required to activate a SIM card. The workshop also reviewed and discussed the personal data required for the OPM-issued attestation letters and refugee IDs. UNHCR affirmed that a valid attestation letter has a unique identifier and is printed on secure paper.

At the time of the workshop, the government-issued refugee ID was the only recognised form of identification to activate SIM-enabled services for refugees, and humanitarian organisations were concerned about the time it took to issue an ID,

which could be up to several months. However, evidence shows that to promote an enabling policy environment, host country governments and regulators should consider adopting flexible and proportionate approaches to proof of identity requirements for refugees that would open access to mobile-enabled services.<sup>31</sup> Considering the mass influxes of refugees into Uganda, there would be a huge backlog in the issuance of refugee IDs.

Given the concerns of both humanitarian agencies and the UCC, the appetite of MNOs to serve this underserved population and the lessons from the workshop, the UCC began developing a balanced, proportionate and enabling regulatory framework for Uganda's refugee population. It also incorporated the best practices of the National Identification and Registration Authority (NIRA) for the registration of nationals. The GSMA provided guidance based on the findings of recent research, *The Digital Lives of Refugees*,<sup>32</sup> which focused on Uganda's Bidi Bidi Refugee Settlement. According to this report, over two-thirds of refugees are active mobile phone users, a third of refugees have a SIM that is not registered in their own name and almost half of refugees in Bidi Bidi are mobile money users (44 per cent), with person-to-person (P2P) transfers being the most common use case.

Given international laws on refugee protection and the need to consistently apply data protection and privacy laws,<sup>33</sup> there was an urgent need to find a digital integration that would allow MNOs to validate the personal data of refugees in real time<sup>34</sup> and speed up data validation, eliminate fraudulent registrations and enable refugee customers to access mobile services more quickly.

In August 2019, following the joint GSMA-UNHCR stakeholder workshop, the UCC issued a policy directive to the mobile industry clarifying the change and explaining the approved SIM card registration process for refugees.<sup>35</sup> The new policy on the activation of SIM cards for refugees outlines that SIM cards can be issued to refugees who hold a valid refugee ID issued by the OPM. However, in the absence of a government-issued refugee ID card, OPM-issued attestation letters would be formally recognised by the UCC as a valid form of ID for the purpose of SIM registration. The UCC emphasised the need to have individual data on the refugee ID card or attestation letters properly captured during SIM card registration, whether for a new SIM, SIM swap or SIM replacement.

*"As the regulator for communications services, we recognise that everyone has an equal right to the access of critical services in the country. The policy frameworks that are developed therefore are intended to facilitate this access and not present additional barriers for the consumers of these services."*

**- Julianne Mweheire, Director of Industry Affairs and Content Development, Uganda Communications Commission**

Before the directive was issued, about 347,000 of the 1.38 million refugees in Uganda had access to SIM cards.<sup>36</sup> Under the new policy, about 600,000 refugees who did not have a government-issued

refugee ID but had an OPM-issued attestation letter can legally access mobile services in their own names. Technically, a SIM card could be issued as soon as one is granted refugee status and they receive an attestation letter.

This policy shift offers a variety of benefits to a variety of stakeholders. It maximises the efficiency of development interventions and creates a best practice policy framework that can enable digital, and often financial, inclusion for refugees. This, in turn, addresses key goals of Uganda's national ICT strategy and refugee response plans.<sup>37</sup>

*".....most significantly, better connectivity can promote self-reliance by broadening the opportunities for refugees to improve their own lives. Access to the internet and mobile telephone services has the potential to create a powerful multiplier effect, boosting the well-being of refugees and of the communities that host them."<sup>38</sup>*

**- Filippo Grandi, United Nations High Commissioner for Refugees**

To strengthen the verification process, the OPM and the UCC, in collaboration with UNHCR, began working at the end of 2019 to develop a longer term, biometric solution to address gaps in the validation process and mitigate fraud in the future.<sup>39</sup>

31. GSMA (2017), *Enabling Access to Mobile Services for the Forcibly Displaced: Policy and Regulatory Considerations for Addressing Identity-Related Challenges in Humanitarian Contexts*.  
 32. GSMA (2019), *The Digital Lives of Refugees: How Displaced Populations Use Mobile Phones and What Gets In The Way*.  
 33. GSMA (2017), *Enabling Access to Mobile Services for the Forcibly Displaced: Policy and Regulatory Considerations for Addressing Identity-Related Challenges in Humanitarian Contexts*.  
 34. UCC Executive Director's Letter on Refugee Registration Interim Action Plan, 12 November 2019.

35. UCC Executive Director's Letter on Clarification on Registration of SIM cards To Refugees, 13 August 2019.  
 36. UNHCR (2019), *Connectivity Updates: Statistics, Network Coverage, SIM cards, Devices, Services*.  
 37. UNHCR (2019), *Uganda Country Refugee Response Plan*.  
 38. UNHCR (2016), *Connecting Refugees: How Internet and Mobile Connectivity Can Improve Refugee Well-Being and Transform Humanitarian Action*.  
 39. UCC Executive Director's Letter on Refugee Registration Interim Action Plan, 12 November 2019.



## Conclusion

The leadership and flexibility demonstrated by the Government of Uganda in enabling access to life-enhancing mobile services by marginalised populations has been commendable. Proof of identity is a prerequisite for refugees to be digitally and financially included in their own name so the adoption of proportionate regulatory and KYC policies is fundamental.

Mass influxes of refugees into Uganda have raised a number of legitimate concerns from the host government and drawn the interest of MNOs that want to develop services for this underserved group. In other countries facing migration challenges, governments have designed policies that can create obstacles for refugees to access life-saving services, including mobile-enabled services, and diminish their ability to integrate in the host society and improve their well-being.

However, in Uganda, the government wanted refugees to enjoy the same rights to connectivity as nationals; the now expanded scope of its new directive on SIM card registration for refugees marks

a policy adjustment with a clear and positive impact: a higher number of underserved persons are now able to legally access mobile-enabled solutions and services in their own names. This figure provides a metric for measuring how well FDPs, particularly refugees, are integrating in their host communities and, broadly, is a marker of inclusive participation in the digital interventions embedded in Uganda's broadband plans and digital transformation strategies. Without concerted efforts to promote and replicate such inclusive policies, existing inequalities within refugee communities may be exacerbated and deny the most vulnerable some of the life-enhancing opportunities of mobile.

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