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From Colonial Kipande to Digital ID: A History of Identity Documentation and Citizenship in Kenya

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Abstract

This study traces the history of identity documentation and citizenship in Kenya from the colonial kipande system introduced in 1915 to the contemporary digital identity regimes of Huduma Namba and Maisha Namba. Drawing on colonial registration ordinances, post-independence legislation, archival and secondary historical scholarship, Kenyan and African regional case law, and policy documents on digital identity, the study compares four successive documentation regimes: the kipande (1915–1947), the passbook (1947–1963), the national identity card (1963–1990s), and the digital identity systems introduced from 2019. The comparison shows that, despite the removal of explicit racial classification and the introduction of constitutional and data-protection safeguards, each regime has been shadowed by a second, discretionary layer of administrative vetting applied disproportionately to communities such as the Nubians of Kibera and ethnic Somalis of the former Northern Frontier District. Formal legal equality has therefore repeatedly coexisted with unequal practical access to citizenship documents; exclusion and administrative discretion have migrated across technologies rather than disappeared with them; and litigation before Kenyan courts and African regional human rights bodies has been more effective at establishing legal principle than at securing lasting administrative change. The study concludes that Kenya's transition to biometric and digital identity, evident in the 2019–2020 litigation over the National Integrated Identity Management System and the ongoing Maisha Namba rollout, repeats this historical pattern in a new technological form, a finding with direct implications for citizenship, privacy and exclusion in Kenya's increasingly digital identity environment.

Key terms: Citizenship, digital identity, Kenya, kipande, statelessness.

1.0 INTRODUCTION

This study traces the history of identity documentation and citizenship in Kenya from the colonial kipande system introduced in 1915 to the contemporary digital identity regimes of Huduma Namba and Maisha Namba. The identity card that a State demands its citizens to possess is a telling display of the State's character. That document's history in Kenya runs in an almost continuous line, from a colonial metal neck-token used to police African labour, to a fourteen-digit biometric number that now anchors a twenty-first-century digital economy. A century of registration ordinances, independence-era nation-building, and, most recently, some of the most consequential digital-rights litigation on the African continent lie between these two extremes. This is a history of all of these: the kipande system of 1915 to 1947; the passbook that replaced it; the national identity card used in Kenya since independence and repeatedly amended in the 1970s and 1980s; the informal yet persistent practice of ethnic vetting that developed alongside it; and the digital identity systems of the past decade, including Huduma Namba and Maisha Namba. The argument is not that Kenya's identity systems extend colonial practice through new technology. Much has changed: the kipande was explicitly racially classified in a way current law is not, and the rights-based language of the 2010 Constitution and the Data Protection Act 2019 has no equivalent in the colonial ordinances (KNCHR, n.d.; Kags, 2024c). Yet a more durable pattern persists across every era studied here: registration processes designed for the whole population have consistently been accompanied, in practice, by an additional layer of discretionary oversight applied to communities the state has treated as insufficiently trustworthy, what one recent study calls being kept as 'citizens on probation' (Kujenga Amani, 2025a). This study traces that pattern from the kipande to Maisha Namba.

Existing scholarship on Kenyan identity documentation tends to be organised by period or by community rather than by the documentation practice itself. Historians such as Weitzberg (2020) have examined the racial politics of the kipande and its replacement by universal fingerprinting after the Second World War, while legal scholars including Fokala and Chenwi (2014) have analysed the Nubian statelessness litigation as a discrete human-rights case rather than as part of a longer administrative history. Reports by the Kenya National Commission on Human Rights (2007) and by civil society organisations document the vetting of Somali applicants and the 2019–2020 Huduma Namba litigation, largely as contemporary policy problems rather than as the latest instance of a century-old pattern. What is missing is a single account that follows identity documentation as a continuous administrative practice across the colonial, post-independence and digital periods, and that asks specifically what has changed and what has persisted in the relationship between documentation and citizenship. This study addresses that gap by treating the kipande, the passbook, the national identity card and the digital identity systems as successive iterations of a single underlying practice: the discretionary administration of documentary proof of belonging.

2.0 METHODOLOGY

As a comparative historical analysis, the study draws on colonial registration ordinances and their post-independence successor, the Registration of Persons Act (Cap. 107); archival and secondary historical scholarship on the kipande and passbook systems; Kenyan and African regional case law, including the 2019–2020 High Court litigation over the National Integrated Identity Management System (NIIMS) and the 2011 and 2015 decisions of the African Committee of Experts on the Rights and Welfare of the Child and the African Commission on Human and Peoples' Rights; policy and regulatory documents on Huduma Namba and Maisha Namba; and reports by human rights organisations and the Kenyan press. These

sources are read together to trace, era by era, who was required to register, what discretion officials retained over that registration, and how affected communities and courts responded.

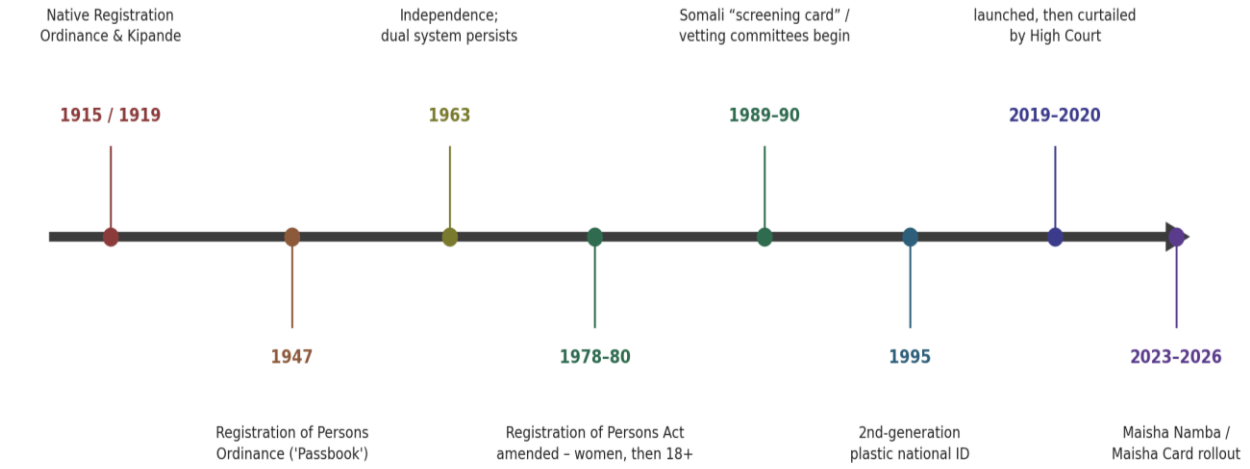


Figure 1. From Kipande to Maisha Namba: A Timeline of Kenya's Principal Identity Documentation Regimes, 1915–2026

3.0 FINDINGS AND DISCUSSION

The Kipande System: Identity as Labour Control, 1915–1947

The colonial government formally documented identity in Kenya in 1915 with the introduction of the Native Registration Ordinance, though it was fully implemented only from 1919 to 1920 (Kags, 2024a; Weitzberg, 2020). The ordinance required all African men aged sixteen and above to enrol and to carry a certificate, the kipande, in a small metal case worn around the neck (Kags, 2024a; TPA Editorial Team, 2025; Weitzberg, 2020). It recorded its bearer's fingerprints, physical description and employment history, continually updated by successive employers. An African man who lost his kipande, or failed to produce it on demand, was liable to arrest for vagrancy, a fine, or imprisonment (Kags, 2024a; Weitzberg, 2020).

The kipande performed several distinct, overlapping functions at once, and it is this combination, rather than any single purpose, that distinguishes it from later identity documents. As an instrument of identity documentation, it was the first system to fix a permanent, state-verified record of who an individual was. As an instrument of labour regulation, it bound workers to employers. It curtailed the mobility that might otherwise have strengthened Africans' bargaining power in the labour market, since an adverse entry could follow a worker indefinitely and functioned as an informal blacklist (TPA Editorial Team, 2025; Weitzberg, 2020). As an instrument of racial classification, it was compulsory only for African men; Europeans were exempt from carrying an equivalent document, making the kipande as much a marker of racial hierarchy as of employment status (Weitzberg, 2020). And as an instrument of surveillance, its centralised fingerprint records, held in Nairobi, allowed the colonial state to trace an individual across employers and districts over an entire working life (Weitzberg, 2020). Resistance to the kipande was one of the central grievances of Kenyan nationalist politics from the 1920s to the 1940s; early African political associations opposed it, the trade union movement embraced it as a cause, and it was taken up by the Kenya African Union (KAU) under Jomo Kenyatta's leadership in the mid-1940s (Singh, 2018). Colonial authorities did not accept its

outright abolition; instead, in the late 1940s, they replaced the explicitly racialised kipande with a nominally universal, fingerprint-based registration, a change that itself drew resistance from parts of the settler community, who valued the racial distinction the kipande had embodied (Weitzberg, 2020).

The Passbook Interlude and the Road to Independence, 1947–1963

In 1947, the kipande was replaced by a passbook, which again recorded fingerprints but, unlike the kipande, did not include a photograph (Atellah, 2019; Kags, 2024b). Registration was now formally required of all men aged sixteen and above, regardless of race, ending the earlier system's exclusively African scope (Atellah, 2019; Kags, 2024b). This change was more formal than substantive: in practice, documentation of Africans and non-Africans continued to differ, with a persistent distinction between 'protectorate' and 'non-protectorate' persons, and the underlying surveillance framework remained largely intact (Atellah, 2019; Kags, 2024b). Gender discrimination was also left unaddressed: only men were required to register, a restriction not lifted until well after independence, as discussed in Section 4 (Atellah, 2019; Kags, 2024b).

The transition from kipande to passbook therefore illustrates a pattern that recurs throughout this history: a change in the outward form of documentation, driven by pressure to remove its most overtly racial features, that left the deeper administrative machinery of surveillance and discretionary control largely untouched. Kenya's independence in 1963 did not reset this machinery. The new government inherited the registration system built by its predecessor, along with much of its administrative apparatus and its capacity for discretionary application, rather than replacing either (Atellah, 2019; KNCHR, n.d.).

Nation-Building and the National Identity Card, 1963–1990s

This post-independence system was formalised by the Registration of Persons Act (Chapter 107 of the Laws of Kenya), which remains the basis for civil registration in Kenya today (KNCHR, n.d.; Kenya Law, 2022). For its first fifteen years, the Act preserved the colonial-era gendered pattern of enrolment, registering only men (Atellah, 2019; Kags, 2024c). This changed in 1978, when an amendment made registration compulsory for women aged sixteen and above and established the National Registration Bureau as the institution responsible for registration (Atellah, 2019; Kags, 2024c; Kenya Law, 2022). The minimum registration age for both sexes was raised to eighteen in 1980, where it remains (Atellah, 2019; Kags, 2024c). For many citizens, the 1980 First Generation National Identity Card, a laminated card bearing a photograph, thumbprint and signature, was their first experience of an identity document as a marker of nationhood rather than of colonial control (Kags, 2024c). Kenya later modernised the card's physical form, replacing it with a Second Generation plastic card carrying holographic security features in 1995 (Kags, 2024c).

This modernisation, however, did not produce uniform documentary citizenship. For most Kenyans, acquiring a national identity card was routine. For specific communities, discussed in Section 5, it required an additional layer of informal security vetting with no equivalent in the general population's experience of registration. The formal universality of the Registration of Persons Act therefore coexisted, from its earliest years, with a parallel and largely undocumented system of discretionary scrutiny applied based on ethnicity and perceived foreignness.

Citizenship on Probation: Vetting and the Making of Suspect Communities

The vetting practices examined in this section are best understood not as a departure from Kenya's registration law but as its constant, unofficial companion. In addition to the uniform national registration system described in Section 4, Kenya has long employed additional screening procedures applied only to communities the state has treated as less readily distinguishable from non-citizens. Two cases are particularly illustrative: the Nubians of Kibera and the ethnic Somalis of the former Northern Frontier District.

The Nubians of Kibera

The Nubian community in Kenya descends from Sudanese soldiers conscripted into the British colonial army in the nineteenth and early twentieth centuries, who settled mainly in Kibera, Nairobi (Songa, 2023; IHRDA, 2011). Although Nubians have lived in Kenya for more than a century, successive generations have been treated as quasi-foreigners in the administration of identity documents (IHRDA, 2011; KNCHR, n.d.). The practical effects have been serious: reduced access to education, employment and public services has denied basic rights to people who, on any ordinary understanding of birth and residence, are Kenyan (IHRDA, 2011; Minority Rights Group International, 2011).

Kenyan Somalis and the Northern Frontier

Ethnic Somalis living in the north-eastern counties of Kenya have a similar, in some ways harsher, history of suspicion around documentation, stemming from the colonial policy that treated the Northern Frontier District as a closed zone requiring special entry permits, and worsened by the Shifta secessionist conflict of 1963 to 1967 (DCAF, 2025; Kujenga Amani, 2025a). In 1989 and 1990, the government instituted a special 'screening card' exercise for adult ethnic Somalis, requiring them to appear before a government vetting committee to determine their Kenyan status; those who passed were granted a unique card, while those who failed risked statelessness (Human Rights Watch, 1990; Kujenga Amani, 2025a).

As Human Rights Watch documented, the screening regime aggravated, rather than solved, the security problems it was meant to address and contributed to increased corruption and communal division (Human Rights Watch, 1990). For more than thirty years, vetting committees in various forms persisted and disproportionately affected Somali applicants compared with applicants from other Kenyan communities (DCAF, 2025; Kerrow, 2025). Reform came only recently: in February 2025, President William Ruto ordered an end to identity-card vetting in Wajir, with a phased withdrawal in other affected counties, saying the practice contravened the 2010 Constitution's guarantee of equal citizenship (DCAF, 2025; Kujenga Amani, 2025a). Analysts caution, however, that a presidential order addresses only the administrative process of vetting, not the underlying mistrust and economic marginalisation produced by sixty years of what one study calls 'citizens on probation' in the region (Kujenga Amani, 2025a, 2025b).

Litigating Belonging: Statelessness Claims Before Regional Bodies

Domestic remedies proved inadequate, and Nubian campaigners turned to African regional human rights mechanisms. Litigation matters here not as an independent human-rights narrative, but as evidence of how far discretionary vetting in identity documentation departed from constitutional guarantees of equal citizenship, and as a test of what regional bodies could do about it. In its first-ever decision on a complaint, issued in March 2011, the African Committee of Experts on the Rights and Welfare of the Child found that Kenya's vetting process violated Nubian children's right to nationality (IHRDA, 2011; Kujenga Amani, 2025a). The Committee described the vetting system as demeaning to Nubian children, inconsistent with

the best-interests-of-the-child principle, and requiring Kenya to abolish arbitrary administrative measures that made it harder for certain minority groups to acquire identity documents (Fokala & Chenwi, 2014; IHRDA, 2011). In 2015, the African Commission on Human and Peoples' Rights reached a parallel finding, holding that the vetting of the Nubian minority in Kenya amounted to unlawful discrimination (Open Society Justice Initiative, n.d.).

Scholarly assessments of these decisions are mixed. On one view, they are precedent-setting affirmations that citizenship procedures cannot be based on ethnicity or religion; on another, implementation has been slow, and by the mid-2010s a substantial number of Nubian adults remained functionally stateless, with higher poverty and unemployment rates than the general population in Nubian settlements (Kujenga Amani, 2025b; Minority Rights Group International, 2011). Academic analysis of the decisions' strengths and weaknesses concludes that regional human rights bodies articulate strong normative standards but have limited power to compel a reluctant state to change entrenched administrative practice (DCAF, 2025; Fokala & Chenwi, 2014). This gap between legal victory and administrative reality is itself part of the pattern this study traces: litigation has changed the law on paper more readily than it has changed discretion in practice.

The Digital Turn: NIIMS, Huduma Namba, and Judicial Reckoning

The digital systems introduced from 2019 represent a change in scale and technical capacity more than a change in kind. Where the kipande and the national identity card recorded a fixed set of physical and biographic details on paper or plastic, NIIMS and its successors created a centralised biometric database capable of linking a single identifier to tax, health, electoral and immigration records, and of verifying identity in real time rather than only on demand. This shift matters because it multiplies the consequences of exclusion: a discretionary delay in the passbook era denied a person one document, whereas a discretionary delay or error in a digital system can simultaneously restrict access to healthcare, banking, voting and mobile services now routed through the same identifier.

Kenya's Parliament passed the Registration of Persons Act amendment in January 2019, which introduced the National Integrated Identity Management System (NIIMS), a single biometric repository of personal data for every citizen and resident foreigner, assigning each a unique identifier known as Huduma Namba (Kenya High Court, Nairobi, 2020). Later that year, the government organised a thirty-day nationwide mass enrolment drive, collecting further biometric and biographic details such as fingerprints and iris scans (Kenya High Court, Nairobi, 2020). The scale and speed of the rollout, without a legal framework tailored to the new database, quickly led to constitutional challenge. Three petitions, brought by the Nubian Rights Forum, the Kenya Human Rights Commission and the Kenya National Commission on Human Rights, were consolidated before a three-judge bench of the High Court in Nairobi (Africa Check, 2020; Kenya High Court, Nairobi, 2020). In an interim ruling in April 2019, the court permitted the government's data collection. Still, it prohibited compulsory enrolment, linking enrolment to access to public services, collecting DNA or GPS location data, imposing an enrolment deadline, and sharing NIIMS data with third parties (Africa Check, 2020). The Nubian Rights Forum, in particular, argued that a system built on discriminatory vetting risked consolidating, rather than remedying, the exclusion long experienced by Nubians and other minority communities (Kenya High Court, Nairobi, 2020).; IHRDA, 2011).

The High Court delivered its full judgment on 30 January 2020, holding that while NIIMS was not unconstitutional in principle, its implementation could not lawfully proceed without a proper legislative

and regulatory framework, including data-protection safeguards that did not yet exist (Kenya High Court, Nairobi, 2020; Cullen, 2020). Digital-rights advocates welcomed the ruling for establishing legal limits on biometric ID systems, but also criticised it because the burden of proving harm fell largely on the communities opposing the system rather than on the state proposing it (Cullen, 2020; Privacy International, 2020). The Nubian Rights Forum later appealed the part of the decision it considered insufficient (Privacy International, 2020). During the litigation, Parliament passed the Data Protection Act 2019, creating an Office of the Data Protection Commissioner and requiring data controllers to carry out data protection impact assessments (DPIAs) before large-scale processing of sensitive data (Kenya High Court, Nairobi, 2020; Privacy International, 2020). In a subsequent case, Justice Jairus Ngaah ruled that the government's Huduma Namba card project, which had cost more than ten billion Kenyan shillings, was unlawful because no such impact assessment had been carried out before card issuance (Kiplagat, 2021).

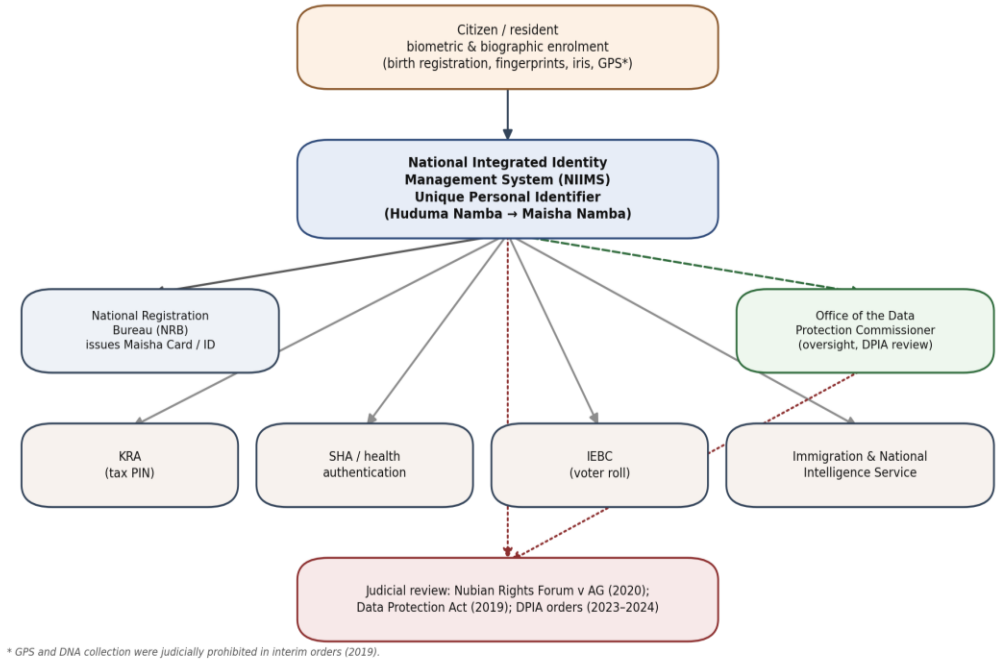


Figure 2. Institutional Architecture Linking Kenya's National Identity Number to Allied Government Databases, and the Points at Which Courts and the Data Protection Commissioner Have Intervened

The diagram illustrates how data now flows between the identity register and tax, health, electoral and immigration systems, concentrating the institutional power that Sections 7 and 8 discuss and marking the specific points, DPIA review and judicial injunction, at which that power has so far been checked.

From Huduma Namba to Maisha Namba: Continuity, Reform, and Unfinished Business

The government did not abandon digital identity after the 2020 to 2021 rulings; it reconfigured the programme. Since 2023, Maisha Namba has served as a unique identifier assigned to every Kenyan at birth, linking birth registration, biometrics and a new Maisha Card across a person's lifetime (Gichobi, 2026; IEA Kenya, 2025). The intention is to close coverage gaps left by a system in which people previously applied for a card only as adults, by registering them automatically from infancy (IEA Kenya, 2025). A

further injunction, obtained by the Katiba Institute in late 2023, followed a High Court ruling that the government had again acted without the DPIA required by the 2019 Act (IEA Kenya, 2025). In August 2024, the government published a new DPIA and safeguard framework; the injunction was lifted, and rollout resumed (IEA Kenya, 2025). By 2025 and 2026, tens of thousands of people were enrolling in Maisha Namba daily, a substantial backlog of second-generation cards had been cleared, and most new births were being e-notified rather than paper-registered (Perala, 2025).

The resulting institutional structure connects the Maisha Namba identifier to the National Registration Bureau, tax administration, the national health authority, the electoral commission, and immigration and intelligence services, with the Office of the Data Protection Commissioner mandated to oversee inter-agency data sharing and to receive related complaints (Burt, 2026, 2026; Streamlinefeed, 2025). Civil society groups continue to press for stronger independent supervision, more precise data-retention rules, and stricter purpose-limitation requirements confining the use of identity data to identity verification (Streamlinefeed, 2025). The record on the exclusion issue that prompted the original Nubian Rights Forum litigation is mixed: the documented vetting delays in Wajir and other north-eastern counties were formally eliminated in 2024 and 2025, yet observers warn that a biometric system built on birth registration and centralised verification can generate new forms of exclusion even where the governing statute contains no explicit ethnic criterion (IEA Kenya, 2025; Streamlinefeed, 2025). This is the pattern with which the article began: removing an explicit criterion of exclusion does not, on its own, remove the discretion through which exclusion has historically operated.

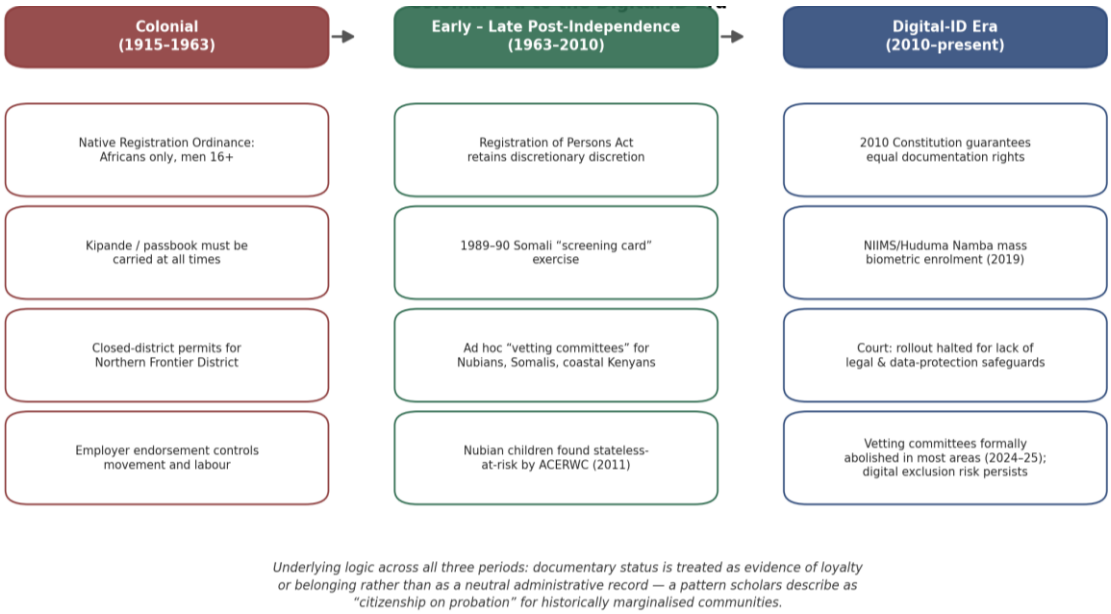


Figure 3. Continuity and Change in the Mechanisms Producing Documentary Exclusion, From the Colonial Kipande to the Current Maisha Namba System

Discussion

Kenya's century of identity systems shows genuine discontinuity alongside a persistent structural pattern, and it is the relationship between the two, rather than either alone, that explains the country's present digital-identity difficulties. The discontinuities are real. The explicit racial classification built into the kipande has no equivalent in current law; the 2010 Constitution guarantees every citizen a right to identity documentation and limits the state's collection and sharing of personal information, and the 2019 Data Protection Act, together with High Court rulings in 2020 and 2021, has forced the state to accept judicially enforceable limits on how it collects and shares biometric data, limits that existed under no previous system (Kiplagat, 2021; (Kenya High Court, Nairobi, 2020; KNCHR, n.d.; Kags, 2024c).

What persists, however, is the mechanism by which exclusion actually occurs. Colonial registration was formally applied to defined groups but administered with wide local discretion; the post-independence Registration of Persons Act was formally universal but administered alongside informal vetting committees for specific communities; and the digital identity system, though built on a rights-protective constitution, has twice been found by the courts to lack adequate legal safeguards, placing the burden of demonstrating harm on the communities most likely to be affected rather than on the state (Kiplagat, 2021, 2021; (Kenya High Court, Nairobi, 2020; Cullen, 2020; Privacy International, 2020). In every era, exclusion has occurred not in formal, universal rule, but in this discretionary, community-specific layer.

This carries a clear implication for how Kenya's central argument about documentation and citizenship should be read, and for how other countries building digital identity systems might read Kenya's experience: legal formalism, equality guaranteed in statute and constitution, has not by itself been sufficient to secure equal citizenship in practice. Across more than a century of changing identification technology, what has mattered most is the amount of independent oversight, transparent rule-making and enforceable recourse available to the people the system serves, and in particular to communities whose relationship with the state has historically been one of suspicion rather than presumed belonging (Fokala & Chenwi, 2014; IHRDA, 2011; Privacy International, 2020). Moving from paper to biometric technology has changed how that suspicion is administered, without so far changing whether it is administered at all.

4.0 CONCLUSION AND RECOMMENDATIONS

Conclusion: The study sought to trace identity documentation and citizenship in Kenya as a single continuous administrative practice, from the colonial kipande to the digital Maisha Namba system, and to identify what has changed and what has persisted across three broad periods: the colonial era of the kipande and passbook (1915–1963), the post-independence era of the national identity card (1963–1990s), and the current digital era (2019–2026). Across all three, identity documentation has done more than identify; it has sorted workers, defined belonging, and, for specific communities, produced a form of probationary citizenship that ordinary citizens have not had to bear.

Thus, it concludes that what has changed between the periods is the law: the explicit racial classification of the colonial era has been replaced by constitutional and statutory guarantees of equal citizenship and data protection that did not previously exist. What has persisted across all three periods is the practice: formally universal registration has, in every era, been accompanied by a second, discretionary layer of administrative scrutiny applied to communities the state has treated as suspect. The kipande and the Huduma Namba litigation are separated by a century, and differ in almost every respect of technology, law and political context. Yet, they share a question that Kenya's digital identity system has not yet fully

answered: can a document meant to certify that a person belongs be issued without the state deciding, in practice, who belongs?

Recommendations: Following directly from the pattern traced above, three measures could help ensure that Kenya's digital identity system does not reproduce the discretionary exclusion of its predecessors. First, the mandate and independence of the Office of the Data Protection Commissioner should be strengthened, with clear, published criteria for any exception to standard registration procedures, so that discretionary decisions affecting particular communities are recorded, reasoned and open to review rather than informal. Second, communities historically subject to additional vetting, including Nubians and ethnic Somalis, should have a formal, standing consultative role in designing and auditing Maisha Namba's verification rules, rather than being consulted only after exclusionary effects are documented through litigation or civil society reporting. Finally, Parliament should require regular, independent, published audits of the practical effects of Maisha Namba on access to health, education, banking and electoral services, disaggregated by community and region, so that discretionary exclusion of the kind documented in this study can be identified and corrected before it hardens into another decades-long administrative practice.

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