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The Conflation of Legal and Digital Identity: How Digital ID is Shaping the Legal Identity Space

Abstract

In 2015, the UN announced its new Sustainable Development Goals (SDG). SDG target 16.9 states that all should have a 'legal identity' by 2030. However, while there is an operational definition of this term, a legal definition of 'legal-identity' is non-existent. In practice, 'legal identity' has become conflated with 'digital identity'. Recent literature suggests that different actors interpret the SDG target according to their own interests, providing digital identity solutions for issues ranging from child protection to ending statelessness. This research looks at digital identity in the mobility context, theorising how technology shapes the legal identity space. More specifically, it focuses on one type of digital identity that is gaining traction: Self-Sovereign Identity (SSI). SSI, which relies on distributed ledger technologies such as blockchain, is supposed to give individuals agency over their data. It has, for example, been presented as empowering for refugee populations, as it could give individuals more autonomy and mitigate the risk of function-creep. What is more, some suggest SSI could break the link between citizenship in identification, for it might remove the need for state-based identification systems. However, concerns have been raised about the inevitable involvement of technology vendors and the infusion of market-logics in the development sphere. Therefore, on top on the conceptual confusion about the meaning of 'legal identity', SSI raises questions about power - and whether it lies with individuals, states, humanitarian actors and/or corporate actors. This research looks at two interrelated topics. Firstly, the ways in which SSI helps shape the concept of legal identity, thereby potentially contributing to a new social reality in which the citizenship and identification might no longer be two sides of the same coin. Secondly, it asks how this technology, and the involvement of non-traditional actors this entails, might challenge traditional governance in the realm of mobility.

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