Sustainable Development and Legal Identity: Promises of Inclusion and Dangers of Exclusion

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“\text{I exist on paper, therefore I am}”

Source: Plan International, Cambodia.
Sustainable Development Goals (SDGs)

SDG 16.9 on Legal Identity

- **Goal 16**: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

⇒ **Target 16.9**: By 2030, provide legal identity for all, including birth registration
Why is legal identity important?

Without official identification, a person can struggle to access:

• **Financial services** (bank accounts, obtaining capital and credit)
• **Social benefits** (food vouchers, pensions, or cash transfers)
• **Healthcare** (health insurance, vaccinations, and maternal care)
• **Education** (enrolling children in school, applying for scholarships)
• **Political and legal rights** (voting, filing petitions in courts, owning property, or receiving an inheritance)
• **Gender equality**, including prevention of early and child marriage
• **Migration**, including crossing borders legally, and seeking asylum

Key enabler for other development goals!

Source: ID4D

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Why is legal identity important?

• **“What is not counted doesn’t count”**
• **Three perspectives:**
  1. Legal identity as a [human right](#) (rights-based approach) => benefit: protection of human rights
  2. Legal identity for [vital statistics and planning](#) (technocratic approach) => benefit: demographic statistics for improved governance and planning
  3. Legal identity for achieving [development outcomes](#) => benefit: greater access to benefits, services and opportunities

Adapted from Ladner/Jensen/Saunders 2013.
What is legal identity?

- **Human rights-based understanding**
  - “The recognition of a person’s existence before the law, facilitating the realisation of specific rights and corresponding duties” (APPJ, 2014)

- **Functional understanding**
  - What constitutes acceptable legal identity can differ across countries and uses => “Official ID fit for purpose”

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Proposed indicators for SDG 16.9

- “Percentage of children under age 5 whose birth is registered with a civil authority”
Indicator: Birth registration

- Free birth registration a key starting point for the recognition and protection of a person’s identity and existence
- Failure to register births due to insufficient administrative systems, discrimination or isolation is key cause of social exclusion
- By registering births, countries will increase their population’s opportunities to access services and opportunities

**Is birth registration a sufficient indicator for legal identity?**

⇒ What kind of legal identity delivers on the promised benefits may differ from country to country (especially national ID cards)
⇒ Ongoing discussions about additional indicators

Source: http://indicators.report/indicators/i-92/

What is being done? - Initiatives

- Collaborative Group in which The World Bank, UNICEF and USAID coordinate work on their respective household surveys
- Regional coordination on Civil Registration and Vital Statistics (CRVS) in Asia and the Pacific
  
  Asia-Pacific CRVS Decade 2015 – 2024

⇒ Predominantly technocratic approach
UNHCR & statelessness

Source: UNHCR

Our research

Kampong Chhnang Province, Cambodia (source: Wikipedia)
The floating villages

The People
Recent reforms in Cambodia

- **General Department of Identification (MoI): National Strategic Plan of Identification**
  - Long-term vision: “every person is to have an identity”
  - Mission: “register all individuals (…) in a transparent, non-discriminatory and efficient manner”
  - Building an integrated universal civil registration and population identification system, as a single source of information on individuals and the population

Source: NSPI

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Source: ADB 2007

Cambodia
Bangladesh
Nepal
The legal identity target: promise of inclusion, danger of exclusion

- **Promise of inclusion**: Making the invisible legally visible => towards SDG 16 “Promote peaceful and *inclusive* societies…”
- **Risks of exclusion**: Insisting on legal identity requirements for accessing rights and services could have the unintended effect of further excluding the most marginalised because these groups may face serious impediments in obtaining legal identity
- Birth registration / legal identity seen as *foundational step* towards ‘leaving no one behind’ in post-2015 agenda
- Formulation and measuring of an identity target still a challenge
- More country-based discussions needed to inform policies (stakeholder roundtable in Phnom Penh in Sep 2016)

Thank you

[http://jrscambodia.org/aboat_without_anchors.html](http://jrscambodia.org/aboat_without_anchors.html)