

## TECHNICAL ASSISTANCE COMPLETION REPORT

**Division: Office of the General Counsel (OGC)**

TA No. and Name RETA 6188: Establishing Legal Identity for Social Inclusion			Amount Approved: \$575,000	
			Revised Amount:	
Executing Agency Asian Development Bank (ADB)	Source of Funding Poverty Reduction Fund		Amount Undisbursed: \$93,449.57	Amount Utilized: \$481,550.43
TA Approval Date: 30 September 2004	TA Signing Date: N/A	Fielding of First Consultant: 29 April 2005	TA Completion Date Original: 31 December 2005      Actual: 30 September 2007 Account Closing Date Original: 31 December 2005      Actual: 31 March 2008	
<b>Description</b>				
<p>Poverty is not always simply the result of a lack of resources; it can equally result from the lack of effective access to existing resources, services, and opportunities, or from a lack of protection against harmful or illegal practices. Both access and protection often directly or indirectly, de jure or de facto, require proof of legal identity and/or age. In many developing member countries (DMCs) of ADB, proof of identity is lacking for significant portions of the population due to the absence of an inclusive and effective birth registration system, as part of either overall vital records or a civic registration system.</p> <p>The RETA researched the nexus between birth registration and legal identity on the one hand, and poverty on the other hand.</p> <p>The research was conducted in three DMCs, each one with a very low level of birth registration at the start of the research with Bangladesh registering only 7-10% of the population, Cambodia less than 5%, and Nepal less than 10%. In Cambodia, a national campaign for civil registration, supported by the ADB-funded Commune Council Development Project, resulted in coverage of about 89% of the population by December 2006.</p> <p>The research had a practical and empirical focus rather than a theoretical one, and attempted to answer questions on what legal identity – obtained through birth registration or otherwise – can realistically deliver in terms of promoting inclusiveness, and on how, when, and under what circumstances legal identity actually improves lives in concrete and meaningful ways.</p>				
<b>Expected Impact, Outcome and Outputs</b>				
<p>The purpose of the RETA was to increase the understanding and awareness of the nexus between legal identity and poverty, and to increase the capacity of DMCs and ADB to (i) identify key barriers to establishing legal identity, and (ii) carry out effective measures to eliminate such barriers.</p> <p>In accordance with the RETA paper, mid- to long-term outcomes were expected to include (i) law and policy reform; (ii) awareness-raising dialogue; (iii) birth registration components or activities in ADB-financed projects and programs; (iv) covenants in loan agreements that mitigate the absence of birth records for intended project beneficiaries; (v) improved statistical data collection to facilitate government planning and budgeting; or (vi) lending to remove barriers to birth registration and facilitate registration through financing of equipment and training.</p> <p>The RETA's outputs as identified in the RETA paper were: (i) an analytical report; (ii) awareness-raising and training of ADB lawyers, mission leaders, and other relevant staff and stakeholders in the DMCs researched; and (iii) identification of projects and programs in ADB's pipeline through which legal identity issues could be addressed.</p>				
<b>Delivery of Inputs and Conduct of Activities</b>				
<p>The RETA was adequately formulated. The overall research question posed in the RETA paper, i.e. to clarify the nexus between legal identity and poverty, was further refined during a 3-day inception meeting held among ADB staff, the international consultants, the 3 country researchers, and an outside advisor. This was a very productive approach, sharing from the beginning knowledge and information among the entire group, while ensuring that everyone was on the same page from the start of the research. It also helped ADB and the international consultants to identify early on the strengths and weaknesses of the 3 country researchers. With the benefit of hindsight, one aspect of the RETA that could have been done differently was to include one middle-income country (MIC) for comparative purposes. This did not though affect the outputs and outcomes as envisioned in the RETA paper.</p>				

The terms of reference were clear and did not pose any difficulty. The international consultants, The Asia Foundation (TAF), performed very well technically, but the time-management aspect of some parts could have been better. This, combined with the heavy workload and mission schedule of OGC staff as well as the long time taken by the respective governments to clear the country reports contributed to the delay in the implementation of the RETA. The cooperation and discussion between ADB staff and TAF went very well, with frequent feedback sessions and on-line brainstorming and discussions. This was one of the strong points of RETA implementation, which has also been appreciated by TAF. The 3 country researchers varied in quality. The country researcher in Nepal was able to obtain a lot of detailed information on innovative aspects of the research such as the black market for identity documents. Each of the field researchers conducted extensive field visits and focus group discussions to prepare the country reports.

The regional conference, held in Phnom Penh in December 2006 was a success. In terms of participation, there were government representatives as well as civil society representatives from each of the participating countries, representatives from international organizations and INGOs, ADB staff from the 3 resident missions (RMs) as well as from ADB Headquarters, and the entire research team. Sessions took the format of a brief presentation on any given topic, followed by a panel discussion, followed by Q&A. These were lively discussions that provided useful feedback on the research. The third afternoon of the regional conference was reserved for discussions amongst each country team (government and civil society representatives, country researcher and ADB RM governance staff) to develop an action plan in the area of legal identity in their respective countries. The outcomes from these consultations have been used as a basis for discussions on further country specific work (see below under evaluation of outcomes).

The involvement of national governance officials of Bangladesh Resident Mission (BRM), Cambodia Resident Mission (CARM), and Nepal Resident Mission (NRM) contributed to the success of the RETA. Throughout RETA implementation, OGC actively encouraged RM staff to be involved, stressing that their participation was sought not just to facilitate interaction with the respective governments, but also for their insights and knowledge. RM staff was invited to comment on draft country papers, participate in national workshops, and participate as resource persons in the regional conference. The participation of RM staff in the regional conference fostered strong relations with OGC staff as well as with country teams. This in turn has resulted in increased ownership and active participation and interest by RM staff for follow-up work in the participating DMCs, especially in Nepal (see below) and Bangladesh.

One input which yielded less output than expected, was the pilot-testing of registration methods. A small pilot-test was designed for registration activities in Cambodia, whereby midwives and traditional birth attendants were trained to provide targeted outreach to raise awareness on birth registration among new and expectant mothers. This was based on the hypothesis that direct one-on-one outreach would be more effective than general outreach. It was conducted in three provinces. While there was indeed a higher percentage of newborns registered in pilot areas as opposed to control areas, the scale of the pilot as well as its duration was too small and too short to be conclusive.

### **Evaluation of Outputs and Achievement of Outcome**

Each of the three **outputs** of the RETA was successfully achieved.

(1) The RETA produced a knowledge product titled *Legal Identity for Inclusive Development*. The report was published in the "Law and Policy Reform at the ADB" series. It was published in June 2007 (1,000 copies) and had to be reprinted at the end of 2007. In accordance with the Design and Monitoring Framework for the RETA, the publication was to include a toolkit. However, as the research progressed, it became increasingly clear that the specific country circumstances on the issue of birth registration and legal identity are too diverse to be able to develop a meaningful and useful toolkit. Therefore, more effort was put into developing a high quality publication, going beyond a mere description of facts, but also raising some important policy questions. Some of the policy questions discussed related to the sequencing of demand and supply in relation to birth registration activities; the significance of a black market in identity documents; the linking of birth registration to service delivery; and the importance of complementary reforms.

(2) The RETA provided awareness raising activities to a wide range of stakeholders. In accordance with the RETA paper, awareness raising activities were provided to ADB staff in general (about 35 professional staff attended a morning long presentation on the findings of the RETA), to OGC counsel (about 15 counsel attended), and to DMC stakeholders (20-25 people in both Nepal and Bangladesh attended). In addition to the groups identified in the RETA paper, awareness raising activities were conducted with United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), the Commission on Legal Empowerment, Inter-American Development Bank (IADB), The World Bank, Department for International Development (DFID), and Refugees International.

(3) OGC consulted and cooperated with regional departments and RMs to identify some projects and programs through which legal identity issues could be addressed. While this is an ongoing exercise, the following has been achieved so far: (i) the Rural Reconstruction and Rehabilitation Sector Development Program (SDP) for Nepal included as one of the milestones for the program component of the SDP, the approval by the relevant authorities of an action plan to strengthen birth registration and legal identity (this will be followed up by the preparation of a grant project to implement parts of this action plan); (ii) in Bangladesh, the original design for the Good Governance and Anti-corruption program included a component on birth registration, which was later taken out for financing by the European Union; (iii) in Cambodia, the second Commune Council Project took into account the findings of the RETA.

In terms of the mid-to-long term **outcomes**, the following has been achieved so far:

(1) The knowledge product prepared under the RETA significantly raised awareness on the issue of birth registration and legal identity, within ADB, at the country level, and at the global level. The findings of the report have been quoted and referred to by other international organizations and groupings (e.g. UNDP, UNICEF, The Commission on Legal Empowerment, United Nations High Commissioner for Refugees, IADB) as well as by academia (e.g., Kennedy School of Government, Harvard; School of Social Sciences and Law, Oxford University, UK; Lancet Health series). ADB has been recognized for having added innovatively to the body of research and to have taken an important leadership role in raising awareness with the international community and the governments of the participating DMCs about the issue of legal identity. Discussions with IADB and DFID are ongoing to establish a multilateral development banks working group on legal identity.

(2) In terms of law and policy reform and dialogue, in Nepal the research directly contributed to amendments to Nepal's Citizenship Act, allowing citizenship to be conferred through the mother (including in the case of a Nepali woman married to a foreigner), and making the acquisition of citizenship easier for the majority of people born in Nepal. The policy dialogue also resulted in the preparation and approval of an action plan, as well as in the use of mobile registration units which provided birth certificates to about 3 million people in the Terai region. Cooperation between OGC and NRM has resulted in the approval of Japan Fund for Poverty Reduction seed money to develop a proposal for Capacity Building for the Promotion of Legal Identity Among the Poor in Nepal. In Bangladesh, the research significantly contributed to the dialogue about the constraints on universal birth registration and the pace of implementation of the 2004 Birth and Death Registration Act.

Other mid-to-long term outcomes, such as the inclusion of covenants in financing agreements to mitigate the absence of birth records for intended project beneficiaries, are expected to become more visible in the next 6-12 months.

#### **Overall Assessment and Rating**

Highly successful

#### **Major Lessons**

The active involvement of RM staff was very important for the success of the RETA and for follow-up work.

#### **Recommendations and Follow-Up Actions**

(1) The research and its comparison with findings of research done by IADB, identify that legal identity and civil registration issues become increasingly important as countries move up the ladder to become MICs and as regional integration deepens. Legal identity is thus posed to become a major issue in Asia. Therefore, it is suggested that ADB considers further developing its comparative advantage in this area and extending the research to MICs in Asia.

(2) It is recommended that future RETA's actively involve RM staff from the beginning to optimize the relevance for the country as well as to ensure proper follow-up.