

# Acknowledgements

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# LIST OF ABBREVIATIONS

|       |   |
|-------|---|
| ADB   | Asian Development Bank  |
| CIAA  | Committee for the Investigation of the Abuse of Authority – Nepal |
| CPN-M | Communist Party of Nepal – Maoist                                 |
| CRC   | Convention on the Rights of the Child                             |
| DAO   | District Administrative Office – Nepal                            |
| DDC   | District Development Committee – Nepal                            |
| FGD   | focus group discussion  |
| FY    | fiscal year   |
| GDP   | Gross Domestic Product  |
| GOB   | Government of Bangladesh  |
| IDP   | internally displaced person                                       |
| ILO   | International Labour Organization                                 |
| KR    | Riel, Cambodian currency <sup>1</sup>                             |
| LBMB  | Law Book Management Board – Nepal                                 |
| MLD   | Ministry of Local Development – Nepal                             |
| MLGRD | Ministry of Local Government and Rural Development – Bangladesh   |
| MOI   | Ministry of Interior – Cambodia                                   |
| NGO   | nongovernment organization  |
| NIC   | national identity card  |
| NRs   | Rupees, Nepalese currency <sup>2</sup>                            |
| Tk    | Taka, Bangladeshi currency <sup>3</sup>                           |
| TBA   | traditional birth attendant                                       |
| UNTAC | United Nations Transitional Authority in Cambodia                 |
| VDC   | Village Development Committee - Nepal                             |

## NOTE

In this publication, “\$” refers to US dollars.

<sup>1</sup>KR1 = \$0.000246; \$1 = KR 4068.00 (21 May 2007)

<sup>2</sup>NR1 = \$0.015358; \$1 = NRs 65.11 (21 May 2007)

<sup>3</sup>Tk 1 = \$0.014492; \$1 = Tk 69.00 (21 May 2007)

# Foreword

**T**o have one's legal identity and thus one's very existence recognized by the law and the State is often taken for granted by those of us who come from countries with well-functioning and universally applied civil registration systems. We seldom ask what it would mean if we did not have legal identity. On the rare occasions where legal identity is brought to the attention of the general public, it is often in the context of statelessness of refugees, catastrophes, identity theft, or the struggles of minority groups. Little is written on the link between legal identity (or the lack thereof) and access to basic services for the vast majority of ordinary citizens in developing countries.

In 2001, one of the lawyers of the Asian Development Bank was assigned to work on a rural development project where the main beneficiaries were intended to be sharecroppers in debt bondage. During field visits it became increasingly obvious that many of the long-term tenants and sharecroppers were not registered in the land and field books, despite having worked on the land for generations, and despite the fact that being registered would give them certain rights. She asked why tenants did not register. The reply was: "because we can't prove we exist." A year later, during the preparation of an empowerment of women project in another country, the issue resurfaced in the context of access to education and the context of property rights. Those incidents prompted the question to what extent there is a link between legal identity and access to basic goods, services and opportunities in life, and whether unawareness of such link might result in development projects not reaching an important portion of their intended beneficiaries. Ms. Caroline Vandenaabeele deserves recognition for first spotting the issue and subsequently conceiving and implementing the research that is the subject of this publication.

When the research began, the available literature on legal identity was either focused on the technicalities of civil registration, or advocated for universal birth registration. While there was some information on the correlation between legal identity and poverty, there was very little research in the field on the causal link between the absence of legal identity and exclusion. This research, which was implemented in Bangladesh, Cambodia, and Nepal, in close partnership with The Asia Foundation, aims to contribute to the debate on legal identity and access to goods, services and opportunities, from a practical and empirical perspective. It attempts to answer questions on what legal identity can realistically deliver in terms of promoting inclusion, and on how, when and under what circumstances legal identity actually improves lives in concrete and meaningful ways.

It is our view that legal identity is an important element of inclusive development, provided that its promotion is part of a larger reform agenda. As the research demonstrates, legal identity touches upon many aspects of life, ranging from access to education, land and business registration, obtaining utility connections, and obtaining travel documents such as passports. Possessing some form of legal identity will become increasingly relevant to people's day-to-day lives as countries develop their capacity to provide goods and services, economies grow, and regional integration deepens. It is our hope that the research will contribute to the use of law as one way to better people's lives. It is dedicated to the sharecroppers in debt bondage who inspired our work.

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