Legal Identity for All by 2030: How will we know? [λ]

Position Paper

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Introduction

Preparations for the Post-2015 Development Agenda ("Agenda 2030") were started in 2012 at the United Nations Conference on Sustainable Development ("Rio 20+"). They resulted in the report of the "High Level Panel of Eminent Persons" (HLP)—"A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development" (30 May 2013)—and the Outcome Document (19 July 2014) of the "Open Working Group" established by 192 UN member states as intergovernmental working group to design the Sustainable Development Goals ("SDGs") as the successor agenda of the Millennium Development Goals (MDGs). The HLP's work was closely coordinated with the Open Working Group in order to bring together the processes around the Post-2015 Development Agenda and the SDGs. Agenda 2030 was adopted on 25th September 2015 at the UN General Assembly; it comprises 17 goals and 169 targets. An "Inter-Agency Expert Group" (IAEG) was formed to identify indicators for the targets. It is due to complete its task by March 2016. This position paper will address the "how" of achieving legal idenity for all—"Making progress", as well monitoring progress towards getting there—"Measuring progress". The paper then addresses some governance issues and concludes.

Making progress

Sustainable Development Goal target 16.9

Goal 16 pertains to governance: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." Before, the MDGs did not consider the importance to development of good governance and institutions that guarantee the rule of law, free speech and open and accountable government. Institutions have been found to be the key to development in work done by, especially, Daron Açemoglu (MIT) and Daniel Kaufmann (World Bank). An institution identified as instrumental to achieving SDG 16 is the system(s) countries have in place to provide citizens with a legal identity. The target that has been agreed is: "By 2030 provide legal identity for all, including birth registration". Broadly speaking, "legal identity" refers to a human being's legal (as opposed to physical) personality. The Asian Development Bank has provided this description: "Legal identity allows persons to enjoy the legal system's protection and to enforce

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their rights or demand redress for violations by accessing state institutions such as courts and law enforcement agencies. Proof of legal identity consists of official, government-issued and recognized identity documents that include basic information attesting to the holder's identity and age, status, and/or legal relationships." It is important to note that citizens and non-citizens in a country do not have the same rights and obligations. Nationality is a crucial attribute of legal identity.

A short history of two major identity systems

For centuries countries have used *civil registration* as the system to provide citizens with a legal identity. Thomas Cromwell introduced rules for Anglican churches in England and Wales for how to conduct ecclesiastical registration as early as 1538: "...for the avoiding of sundry strifes and processes and contentions arising from age, lineal descent, title of inheritance, legitimation of bastardy, and for knowledge, whether any person is our subject or no." It is important to note the legal function of ecclesiastical registration (of births, deaths and marriages) as well as the determination of nationality ("our subject or no") in this description. At about the same time such rules were also developed for Roman Catholic ecclesiastical registration on the European continent. Secularisation of civil registration dates from 1792 in France and from 1836 in England and Wales. In Asia, the Qin dynasty (221—207 BC) had introduced "hukou" (household registration) in China much earlier. *Identity cards* have a much shorter history. "Internal passports" were introduced in South Africa in 1797. "Workbooks" were introduced by Napoleon in 1803, by the British colonial regime in Kenya in 1915 ("kipande") and at the same time in Britain during WW1 (1915-1919) as well as in Germany, and by Nazi Germany in 1938. Identity card systems have rarely been successful, while universal coverage of civil registration has been successfully established in North America, Europe, Japan, China and Australasia and a few African, Latin American and Asian countries.

21st century developments in civil registration and identification

The aftermath of "9/11" has resulted in more security measures, but also in a further cycle of violence and terrorism, leading to a veritable wave of introductions of new *national ID systems* since the late 2000s. Resistance to such ID systems has been fiercest in the United States, the United Kingdom and Australia. In Africa two in three countries, accounting for 85% of the population and over 90% of African GDP, are now in the process of introducing new IDs. Much the same is true for Asia and Latin America. Over the 2013—2018 period about US$ 50 billion will be spent on national IDs, much of which is paid for by the countries themselves, even while poor, although USAID, EU, the Asian Development Bank, the Inter-American Development Bank, the World Bank and others are providing financial assistance as well. Quite in contrast, *civil registration* in low and middle-income countries has largely languished since WW2. Coverage of birth registration in the world has improved from 58% in 2000 to 72% currently, and some countries have made great strides without foreign assistance (India, South Africa). However, investments in civil registration reform have been few and far between. The World Bank has now a program in place for which it is estimated that the cost of universal civil registration globally will be US$ 3.8 billion (i.e. less than 10% of the investments in ID systems). The investment in national IDs is remarkable because there is hardly any successful legacy ID system to point to (with the exception of the [South African system](#)). Where such successful ID systems exist they are based on a functioning civil registration system (as is the case in South Africa). Democratic elections have become much more common since the end of the Cold War, which has given rise to a substantial increase of *voter registration* activity, and people holding voter IDs. For

example, while the period 1960—1989 saw only 29 leadership elections in Africa, the period from 1990 through 2012 has seen 169. In many developing countries voter registration of the eligible population has reached inclusion levels superior to civil registration or civil identification coverage (national IDs), and voter IDs often figure as the only official ID people have.

Table 1—Birth registration rate improvement around the world from 2000 (secondary source statistics)

	Around 2000	Latest
Africa	**41**	**47**
North Africa	**87**	**87**
Sub-Saharan Africa	**35**	**41**
Western and Central Africa	**40**	**44**
Eastern and Southern Africa	**26**	**36**
CEE/CIS	**92**	**98**
Latin America and the Caribbean	**83**	**92**
Least developed countries	**32**	**39**
South Asia	**31**	**71**
East Asia and the Pacific	**65**	**79**
World	**58**	**72**

Source: UNICEF. Every Child's Birth Right. Inequities and Trends in Birth Registration. New York (2013), Miscellaneous Multiple Indicator Cluster Surveys ("MICS"), Demographic and Health Surveys and CRC4D processing of country data. Note that the large improvement in South Asia is largely due to a substantial correction (and improvement not earlier captured) of birth registration rates in India. Cf. UNICEF. State of the World's Children. New York (2014).

The organization of civil registration and identification

Civil registration is the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events in accordance with the legal requirements of a country, carried out primarily for the purpose of establishing the legal documents provided for by law. The most important vital events registered are birth, death, marriage and divorce. Most developing countries are struggling to achieve universal coverage of their civil registration system. The reasons are primarily a lack of resources, limited competence of management and staff, poor accessibility of the service, a lack of incentives for the population to register vital events and the direct and indirect costs of registration for the population. These problems can be overcome as is in evidence in countries such as South Africa and India, while overall an improvement in coverage can be seen in coverage data. Civil registration is a *foundational* identity system. It provides the breeder document—the birth certificate—that is commonly used to obtain other identity documents (e.g. national ID, voter ID or passport). While in developing countries civil registration systems are generally still paper-based, computerization is being introduced. Civil registration, when complete, is the basis for vital statistics of a granular character that cannot be obtained from any other source. The current model birth certificate for the US counts no less than 58 items, mostly concerning vital statistics (e.g. birth order, birth weight, APGAR score, etc.). The details with regards to cause-of-death are equally important items for the generation of mortality statistics.

The registration of voters is often the most resource-intensive activity for elections and can account for up to 70% of the costs of elections. Developing countries have learned to hold voter registration drives that manage to cover much of the voting eligible public. The ID industry has developed equipment for elections to enroll voters, produce voter IDs, count votes and transmit polling station results. The technology has become more sophisticated. This experience has also led a number of countries to contemplate the possibility of introducing national IDs that would provide a more permanent solution for voter identification. Very few countries have come this far as yet. Other developments that have fueled demand for national IDs have been the events of "9/11" that have led to tightened security the world over, which in itself may have contributed to greater insecurity as violent conflict has become more common. There is also a notable increase in the mobility of people in the world, leading to tighter border controls and other security measures. In parallel a growing number of countries have started social protection programs for poverty alleviation that require reliable identity credentials of beneficiaries. Even if birth certificates were available to all, their form would not lend itself because of their lack of "portability" and shortcomings for reliable authentication of individual identity. Highly developed countries do have intricate systems providing controls without people having to have an identity token such as an ID. In Sweden only 100,000 Swedes have opted to have a national ID (the system is voluntary). In less developed countries a reliable identity token such as a national ID is more needed and useful.

The problems to run a national ID system are very similar to the problems of running civil registration successfully. The difference lies mainly in two areas 1) national ID systems are generally much better resourced (although in some countries, e.g. Ghana, Nigeria and Tanzania resources ebb and flow, and enrolment is protracted), and 2) they generally are linked to a tangible benefit (such as India's Aadhaar is linked to direct benefit transfers). This thus addresses two of the major obstacles to civil registration improvement.

How to achieve a legal identity for all: pathways to universal identity

Over the past five to ten years two distinct processes have emerged that (cl)aim to provide a solution for the inclusion of all in government identity systems. We will call them "pathways". The first of these pathways is the *"CRVS pathway".* This "movement" includes the ministers responsible for civil registration in Africa and Asia and the Pacific, UN organisations, some INGOs and development banks, including the World Bank. "CRVS" stands for civil registration and vital statistics. The CRVS pathway can be seen as a regionalised form of the activities that the United Nations Statistics Division has undertaken since its inception in 1946. This pathway now has the financial support from the World Bank and others, and it is assumed that a budget of US$ 3.8 billion will be sufficient to achieve civil registration efficacy globally. The CRVS pathway has not incorporated any investment or effort with regards to national identification systems other than giving attention to the interface between the two systems (e.g. whether a birth certificate is required to obtain a national ID, whether a death certificate triggers that a national ID is revoked and a record in the national ID database adjusted). The second pathway is the "Identity for Development pathway", or in short the *"ID4D pathway"*, which has especially the support of the World Bank, UNDP and the Centre for Global Development, as well as of the secure document and biometrics industry. The "movement" supporting this pathway believes that a short-cut ("leapfrogging") is possible to "close the identity gap". This movement especially refers to Aadhaar and the national ID system of Pakistan (NADRA) as examples of achieving substantial coverage (70% Aadhaar since 2009, 98% NADRA) of the population (adults in Pakistan), to the

increasing ubiquity of other functional ID systems, and also believes national IDs could replace civil registration. Interestingly, within the World Bank one department supports the CRVS pathway, and another department supports the ID4D pathway.

A third pathway

The CRVS- and ID4D pathway movements have in common that they do not know and understand all of the merits of the other pathway. They also boast some of their own merits beyond what is realistic, and are unaware of some of their pathway merits that are crucial. Any identity system needs to prove its sustainability: will it last? Civil registration systems in the developed world do last, and help to target government services. When a child needs to be enrolled in school a letter will arrive in the mailbox, and when an election is due a letter to be brought to the polling booth will arrive in the same way. And so the list goes on. Nowhere are elections as low-cost as in they are in those countries. People can apply for a passport or extend their driving license without showing a birth certificate as their civil registration record is verified online. Quite a number of these countries do not even have a national ID system. So, the question really is, could developing countries not accomplish the same? There is no reason why they could not, if the problems mentioned before are addressed. The key ingredients are ("the four I's"): 1) investments, 2) interoperability (for access and know-how, especially with the health sector for birth- and death registration), 3) incentives and 4) ICT—the use of modern information and communication technology. South Africa has shown that this makes it possible to achieve universal registration virtually from scratch within a period of 10—15 years. South Africa's "HANIS" (Home Affairs National Identification System) is an integrated population register that serves both the civil registration system, the new smart-card national ID issuance as well as regular updates of the voter register (South Africa's elections are among the most affordabe in Africa). South Africa is an example of a country that has gone the *"third pathway"* (which in fact is also the "orthodox pathway"), although it also has a long history with identity documents under the Apartheid regime. While the new South African national ID is an award-winning, sophisticated smart-card its costs are among the lowest in the world. The vital statistics that the civil registration system in South Africa is producing are of such quality that the high mortality during the 1990s because of HIV-AIDS could be shown, major policy changes with regards to the use of retro-viral drugs became inevitable and many lives were saved. If countries would allocate enough resources to the expedient reform and upgrade of their civil registration systems, improved the accessibility of the office network, used mobile technology for access, established intensive interoperability with the health sector, introduced digitisation and online connectivity and linked tangible benefits to the reporting of the main vital events, then civil registration would flourish and achieve universal coverage (with special provisions needed and put in place to serve the most vulnerable in society). This will then establish a service which can be sustained on a permanent basis, and serve as a foundational system to support national ID issuance, voter registration, etc. New technology helps the modernisation of civil registration systems, but it does not replace them.

The merits and demerits of the various pathways

The example of voter registration in developing countries shows that every election cycle requires new and costly voter registration campaigns. Because no functioning civil registration system exists, which can feed a population register such as HANIS is in South Africa, it is not possible to have a continuous update of the voter register from which invitations to vote can be

sent that enter people's mail box without a new voter registration being necessary. The "leapfrogging" assumption that underlies the **ID4D pathway** movement might partly be based on the evidence that developing countries manage to conduct voter registration campaigns in a short period of time, without considering that they carry a very high cost. The 2012 Ghana elections, in terms of purchasing power, carried a cost for a Ghanaian citizen that is *fifty times* what it costs the average European. The "leapfrogging" assumption is also inspired by the experience with Aadhaar in India where over 900 million people were enrolled since 2009, at a low cost unattainable in most other countries.

What has contributed to the success of Aadhaar (although it still is at 70% coverage) is, *firstly*, that it was and is a national program, with central management, while civil registration is a decentralised service. Civil registration handbooks have indicated the problem of a decentralised civil registration system for more than sixty years; hence Aadhaar has had the advantage of not having been subject to roadblocks that have long been known to complicate civil registration development. *Secondly*, Aadhaar has been linked from the very start with a tangible incentive: the link to direct benefit transfers. It is important to note that these benefits were not new or unique to Aadhaar. They were available before Aadhaar. People would have to access those benefits by proving who they were, and they mostly could. No less than 99.97% of the people enrolled in Aadhaar had two valid identity documents to qualify for enrolment. *Thirdly*, the cost of enrolment in Aadhaar has been kept low by the hiring of enrolment agents (privatisation, or "public-private partnership"). These are largely the same vendors that are hired when elections are held in India, and also those elections carry a cost which is at a record-low in the world which results from a combination of low wages and economies of scale. And *fourthly*, Aadhaar (the UIDAI organisation, rather) was given a special, semi-autonomous status.

The token which is given to people enrolled in Aadhaar is a paper strip, not a smart card. Birth registration coverage in India is about 84% (2012), which is a substantial improvement from 57% in 2003. Death registration is at 69%. Whether it is for civil registration, national identification (Aadhaar) or voter registration, India is a case all on its own, for the reasons that it has a population density of over 400/sq.km, low wage costs and economies of scale. In addition it has a niche competence in ICT. Metrics from India cannot be transplanted to virtually any other Asian or African country, as the ID4D pathway protagonists imply. In a similar way NADRA in Pakistan was given a special semi-autonomous status and could work nation-wide. NADRA was started under the Musharaf government, and its management initially consisted of retirees from the military. The costs of enrolment or of running NADRA are not in the public domain. The coverage of NADRA reportedly is 98%, while birth registration coverage in Pakistan is still a low 27%.

While the ID4D pathway also refers to ubiquity of functional ID systems (health cards, etc.) as an "opportunity" to "re-engineer" towards universal identity it overestimates the quality and sustainability of these systems. When it is claimed that in a "greenfield" situation a national ID system can be built from the ground up, this shows little or no understanding that a common national ID system would have to be organised as a civil registration system and would then face the almost all the same obstacles. The ID4D pathway is largely focussed on and occupied by the use of the system and the token (the ID card), while it takes largely for granted the inputs and outputs of the system, the need to establish the civil status of people and generate vital statistics. The ID4D pathway ignores the importance of enrolment at birth, often in a hospital setting, or the involvement of the health sector with death and cause-of-death determination. In general, the public sector in developing countries has a weak track record in budgeting for maintenance or recurrent cost, and very few, if any, modern identity systems have been kept

going. Costly biometric and electronic election equipment is generally only used for one election. Ensuring the safety of digital databases to prevent hacking and data-theft (security and privacy) has proven to be close to impossible in the most advanced of settings. It is hard to see how in a developing country setting digital systems could be protected adequately. The ID4D pathway can be credited though for its alignment with Agenda 2030, which it has sought to support as well as use for its own momentum. *We believe that there is no easy, quick-fix solution to national identity management.* Rather, we have estimated that African countries could save between US$ 11 billion and US$ 22 billion in the next ten years if they would just follow the third pathway, as South Africa did.

The **CRVS pathway** has made a bet on engaging the ministers responsible for civil registration and the national statistics offices, coordinating between supporting agencies, the pooling of support, conducting situation assessments and developing country plans. The engagement of civil registration ministers follows from the assumption that political will was a main obstacle in improving civil registration. This assumption may be erroneous. The substantial investments countries are willing to make in other identity systems is evidence that governments do not lack political will to invest. They, rather, prefer other identity systems over civil registration. The situation assessments focus on civil registration and vital statistics while little if any attention is given to national ID systems and voter registration. Interfaces and linkages are acknowledged but there is no indication that the CRVS pathway believes that their scope should be broadened to include national ID systems (and functional ID systems) and voter registration. Much emphasis is given to the role civil registration plays in generating vital statistics (hence the inclusion of national sttaistics offices), while little heed is given to the fact that incomplete civil registration systems cannot produce such statistics or they would be biased at the detriment of the marginal population groups that tend to not be registered. To their merit, the "ministerial processes" do include UNHCR, hence allowing space for those people that are refugees, displaced and often undocumented and stateless. Surprisingly the CRVS processes in Africa and the Asia-Pacific have sought to distinguish themselves from Agenda 2030. Both regions have developed programs for a "CRVS Decade" from 2015 through 2024, thus not aligning themselves with the end year of Agenda 2030, at a time when the choice for the 2015—2030 period was already made by the High Level Panel of Eminent Persons (or even in 2012 at the "Rio+20" conference).

It is not obvious why the CRVS pathway would now be successful while its pre-decessor programs led by UNSD were not. As has been the case before, the emphasis is not on the legal function of civil registration but on vital statistics. We believe that Wallman and Evinger, and Cleland longer ago, have been right in isolating the reasons why civil registration didn't improve until the turn of the century, and doubt whether the new efforts are much different, other than being more bureaucratic and expensive, than has been the case earlier. That civil registration ministers support the process is not sufficient when the reality is that governments at large have other priorities, for new national ID systems and election investments. Rather there has been little if any indication that ministers responsible for national IDs and ministers responsibe for civil registration have found common ground—India being a clear example. The regional approach applied for procedures, tools and targets, with its emphasis on regional concensus and collaboration between numerous actors, may prove to not accelerate but decelarate progress.

National ID systems, irrespective their technological prowess, are not designed to perform the functions that civil registration performs to establish and amend people's civil status on a continuous basis, and, when complete, generate vital statistics as no other system does. Civil registration organisation is, in many countries, decentralised, which is sub-optimal. National ID systems, by their nature, tend to be systems with central, national management, functioning at

their most extreme still in deconcentrated, rather than decentralised fashion. Their role is especially in providing the population with realible identity tokens for multiple use and efficient authentication of identity for transactions in daily life. Civil registration systems can perform the role that national ID systems play, but this requires a visionary government able to see long-term organisational development through, as South Africa has done over the past two decades. The current division between a CRVS pathway and an ID4D pathway is not in the best interest of the people whose provision with a legal identity requires a coherent approach. The turf war in India between the two "movements", between the Registrar General and the UIDAI organisation, is irrational. For Africa alone, the savings could be as high as US$ 22 billion over the next decade when the third pathway is chosen, which combines the best of CRVS- and ID4D pathways.

<u>Measuring progress</u>

Indicators for measuring progress towards a legal identity for all

During 2015 statisticians and experts from "agencies" have discussed the indicators that qualify to be used for measuring progress towards a legal identity for all. Prior to the first meeting of the 'Inter-Agency Expert Group" in June 2015 the following indicators were put forward, which were also rated as "feasible" and having a production track record according to statisticians.

1) Birth registration rate for under—5 children (UNICEF, UN Women, Global Migration Work Group, African Group of countries)
2) Birth registration rate for under—1 children (The World Bank, Peace-building Support Office—PBSO, Secretariat of the Pacific Community—SPC)
3) National ID coverage of the adult population (African Group of countries, The World Bank[1])

The birth registration rate for under—1 children was, prior to the June meeting, selected as the consensus priority indicator.

The first and second indicators are "*secondary source*" indicators obtained from household surveys (Multiple Indicator Cluster Survey—MICS and Demographic and Health Survey—DHS). How the 3rd indicator would be obtained—from a primary (i.e., from the civil registration authority) or secondary source—is unknown. It is noteworthy that the consensus indicator is a secondary source statistic, because countries receive every year the UNSD vital statistics questionnaire, which includes a request for primary source statistics for estimated completeness of civil registration. It would have been logical if country statisticians would have chosen for this already existing official instrument, which is clearly geared towards collecting primary source statistics, the definition of which has been set out in the latest UNSD *Principles and recommendations for a vital statistics system*. Revision 3, 2013, pp. 54—55. However, the country record in reporting the primary source data is poor: the average age of these statistics is 15 years, and has increased with three years since 2010, and only half of these statistics are precise enough to be useful to measure change. The guidance for how to measure registration completeness is unclear. There is reason to question UNSD's effectiveness over the past seventy years in playing an active role in strengthening the capacity of countries for building up their civil registration systems and for reporting registration completeness and vital statistics in a timely

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[1] Information Mariana Dahan, The World Bank.

and quality fashion.

Table 2

Coverage of civil registration system (United Nations Statistics Division)	Last updated: December 2014		Last updated: February 2010	
	Average Time Lag (years)	Percentage of countries with data	Average Time Lag (years)	Percentage of countries with data
World	10.9	88%	8.5	89%
Africa	15.1	76%	12.2	77%
Asia and Oceania	13.0	87%	9.8	87%
North America ex Canada, Greenland and USA	10.1	96%	8.2	96%
South America	11.8	100%	8.6	100%
Europe, Canada, Greenland and USA	5.1	96%	3.8	96%

Source: http://unstats.un.org/unsd/demographic/CRVS/CR_coverage.htm

The choice for the **under—1 birth registration indicator** will require that the currently used household surveys will all generate this data, which they do not do all as yet. For the choice of the under—1 indicator a consideration has been that this would render the indicator more alike with the standard primary source indicator. This is a misconception, however. Primary source "date-of-occurrence" (date of occurrence referring to the data of occurrence of the vital event) birth registration coverage statistics require statisticians to include registration of births taking place after the reporting year in which the births occurred. This means the need to also include late and delayed registration before a cut-off date, which a secondary source under—1 indicator does only do to a limited extent, while even part of current (= timely) registration is excluded from this indicator. A secondary under—5 birth registration indicator can well be more alike the primary source indicator than the under—1 indicator, since the former will include more late and delayed registration, while the latter will not only not include delayed registration (after a year from birth) but will also include less late registration and will even exclude some current registration for births that occurred just before the survey takes place.

It is important to note that none of these indicators measure completeness of birth registration for the population at large; the most these indicators will accomplish is to measure whether the registration of newborns or of children under-five has improved. A person's evidence of birth registration—the birth certificate—is also not covered by these indicators.

It is possible to improve these secondary source indicators, for example by expanding the group for which birth registration rates are measured to the under—18 (as done for Côte d'Ivoire), and using cut-offs in accordance with the timeframe for current registration (as done for Togo), as well as the UN recommended grace period for late registration of one year from the occurrence of birth. The surveys do accomplish to measure various measures (five, to be precise: 0—28 days, 29 days to 1 year, 1—5 years and 0—5 years) of for children from 0—4, 5—9 and 10—14 years old, hence a similar methodology for birth registration is feasible. In addition it is important to note that birth registration does not in all cases include the granting of nationality, which is an essential aspect of legal identity. In the next six months the discussion of indicators for SDG target 16.9 will continue.

Given the enormous flight national identity documents have taken in developing countries it was to be expected that a **national ID coverage indicator** would be suggested. Normally a national ID would only be issued when a birth certificate can be shown as "breeder document", or the birth record has been verified in the register. However, there are situations in which national ID

coverage is more complete than birth registration coverage (e.g. Pakistan's adult population, the Kibera sample). While a national ID may in fact be evidence of nationality, the birth registration and certificate may not be. The ID4D pathway protagonists also assume that national ID systems can be the future replacement of civil registration systems. There is not yet a track record for measurement of national ID coverage, contrary to what statisticians have claimed to be the case. The denominator for national ID coverage, e.g. the entire population, or the population of ID-eligible age, can be estimated with reasonable accuracy. However, the nominator requires a de-duplicated national ID database (which depends on the technology used) that is also purged for deceased and emigrated persons. The removal of deceased persons from the database requires feeds from a functioning civil registration system. A primary source indicator for national ID coverage may therefore have a larger margin of inaccuracy the older the database is. For this reason a secondary source indicator for national ID coverage, obtained through a household survey, may be more reliable, and can also be used as a check on the veracity of the national ID database. It could be considered to include the secondary source indicator in the World Bank "Living Standards Measurement Study" household survey.

Beyond birth registration certificates and national IDs ***other evidence of (legal) identity*** may form an alternative for people who do not have a birth certificate or national ID. Voter IDs have especially become ubiquitous, but countries may use household registration systems that include entries for vital events, nationality certificates and other. E.g., Nigeria has "certificates of origin". Breeder documents for national IDs may also include other evidence of identity. The Indian Aadhaar system includes 70% of the population, and while it still awaits legal status 99.97% of the enrolled persons already had two valid identity documents.

Proposed indicators The Hague Colloquium Collective

The [The Hague Colloquium Collective](#) has formulated its preferred legal identity indicators as follows:

1. Proposed as principal measure of the coverage of a country's population by official legal identity is birth registration by gender within the standard legal timeframe and within the country's grace period, or, if unavailable, birth registration within a year from birth measured universally or by survey method.

2. As secondary measures of the coverage of a country's population by official legal identity are proposed: 1) coverage in terms of possession of the birth certificate by age class and gender, and 2) coverage in terms of possession of a legal national ID by age class and gender. "Possession" needs to be established by actual verification of the birth certificate and ID.

Note that what is proposed is that for the population at large would be established for what proportion of the population births have been registered, for what proportion a birth certificate can be shown, and for what proportion of the population of national ID-eligible age the possession of a national ID has been verified. These indicators can be measured by survey method (representative sample).

Governance

Over the past decades experience has been gained with the collection and publication of data on legal identity. The custodians for this have been the United Nations Statistics Division (initially the United Nations Statistical Office) from 1947 for primary source data, while ICF International has collected secondary source data on birth registration with financial backing from USAID, and UNICEF has done so through its Multiple Indicator Cluster Survey. For DHS and MICS, ICF International and UNICEF respectively have worked in partnership with national statistical offices and ministries of government, from 1999.

In this paper the serious quality and timeliness problems of primary source data have been mentioned. While statisticians have not known or acknowledged them, these problems cannot be swept under the carpet. UNSD has also not recognized the importance that national IDs play in serving as evidence of people's identity in modern times and the need to broaden its scope of work to adequately support countries with organisational advice and collecting and disseminating comparable statistics on national IDs. UNSD has only limited resources, which we believe results immediately from the positioning of civil registration as, primarily, a vehicle for vital statistics generation. UNSD has been unsuccessful in tapping into the substantial resource pool countries have made available for national ID (and voter registration) systems.

The UN economic commissions in Asia and Africa have in a similar fashion maintained a focus on vital statistics. The ministerial processes initiated on both continents have not only kept civil identification out of scope, but also costly processes have been set in motion that will imply a duplication of the Agenda 2030 process. Given dwindling international aid resources this may prove not sustainable, while organisationally it will prove to be too divorced from reality in the countries. The focus on civil registration and vital statistics negates the extraordinary investments that countries, often from their own coffers, already have committed to identification systems such as national IDs, voter registration, health cards and similar. A current example is Tanzania investing close to US$ 400 million on national ID and biometric voter registration while international aid to the country has been suspended, and birth registration coverage was only 16% in 2010. An integrated effort of the public and private sector and the broadening to a scope straddling civil registration, national ID-, voter registration- and other functional identity systems is needed. Only then can be achieved that national ID systems are set up with their required foundation in civil registration for operational and financial sustainability, or such a foundation is put in place with high priority (as happened successfully in South Africa). This is what we have labeled as the third way. If the current, disparate efforts continue, costly national ID systems may become dysfunctional in a short period of time. The integrity of elections may be affected in the process, and political stability and the rule of law may come under pressure. No useable vital statistics and demographic data will result from such a development, and the hardest to reach and most vulnerable in populations are likely to be most affected. A worst-case scenario is when national ID systems will garner the same poor reputation as civil registration already has in the developing world—to some extent they already have. This should and can be addressed when stakeholders put the common interest above their special interest. A question is whether UNSD, and the statistical offices of the regional economic commissions, could reasonably be expected to deliver the organisational and technical support that is required going forward. This is a problem that cannot be ignored, but needs to be addressed. More creativity in developing new ways of nimble and highly effective, high quality, and holistic support to countries is needed. The resolution of this may well be that the private

sector will answer this demand for professional advice for organization and management of comprehensive national identity management.

The DHS- and MICS surveys with which secondary source data have been collected have been, by comparison to the primary source data generation, rather successful. The World Bank has reported on the ongoing importance of surveys for the SDG measurement. However, the DHS- and MICS-surveys only cover birth registration for under—5 children, which is not sufficient as an indicator for a legal identity for all. We believe that this is a crossroads moment for UNICEF and USAID. Ideally these surveys would capture birth registration coverage (current, late, delayed) of all children and youth from 0 to 18 years old, and verified possession of birth certificates. Quality improvement is possible and needed. Countries have to be persuaded not to see these secondary source data as in competition with their primary source data, but rather as the creation of a "double record system", allowing one to be a check of the other. The financial sustainability and country ownership of these surveys should, however, be acknowledged as an issue that needs to be addressed in a creative manner.

The responsibility for the generation of statistics on legal identity requires a fresh rethink of its governance. A taskforce, perhaps under aegis of the UNICEF, USAID and World Bank Collaborative Group, could develop standards for legal identity measures and formulate possible options for a new and effective institutional solution for comprehensive measurement of legal identity.

Conclusions

The consensus indicator for SDG 16.9, for now, is under—1 birth registration completeness, which is insufficient to serve as an adequate indicator for a legal identity *for all*. It would seem necessary for stakeholders to 1) realize that current measures do NOT have the required coverage, quality and timeliness, 2) that more and urgent work is needed to define more precisely defined measures that will be applied in a uniform way internationally, and 3) that there is not as yet one (virtual) "home" for effective generation of all comprehensive data on legal identity.

For primary source birth registration completeness measurement UNSD needs to give better guidance. It is proposed that, as international guideline, coverage data include late registration during an internationally agreed grace period of one year. Countries should strive to publish their registration completeness levels not later than during the second year after the year reported on. Data on late and delayed registration needs to be captured and reported as well.

For secondary source birth registration coverage this is a crossroads moment for UNICEF (MICS) and USAID/ICF International (DHS). Both would set a historic step by moving towards a focus ("must have") on birth registration rates for current, late and delayed registration for children below one years of age, and well-verified birth certificate possession. Data for the under-five ("nice to have") can as well be collected going forward, for example to know the registration rate of five year old children that will enter primary school soon after. However, measuring current and late registration rates for the under—1 (and capturing delayed registration) will better align with the Convention on the Rights of the Child and with civil registration convention. This would align UNICEF's position with The World Bank, SPC and PBSO positions, and, likely, with the civil registration community's (amended) position, although these organisations need to better understand the limitations of the under—1 registration rate as it is derived currently from a

secondary source such as MICS or DHS. Better still, UNICEF and USAID/ICF International would generate the birth registration rate of children and youth from 0 to 18 years of age. Countries should move towards self-reliance in conducting these surveys without concessions to quality, timeliness and international publication.

The national ID indicator requires much work; there is no track record of measurement, not yet a generally accepted methodology and there is no "custodian" identified such as both UNICEF and USAID/ICF International are for birth registration data collection. Finding a regular household survey for the national ID coverage question, e.g. the Living Standards survey of the World Bank, seems to be the most practicable way forward. Time is of the essence because there is no baseline as yet. A reliable primary source database would require that civil registration and civil identification become integrated, as they are in, for example, Sweden and South Africa. In those countries population registers fed by civil registers are the database for national IDs. They are the best practice examples of the "third pathway" towards a legal identity for all.

The African Group of Countries, Economic Commission for Africa, African Development Bank and the African Union Commission seem to be a "house divided" still, sending mixed signals from the platforms of their "ministerial process" on the one hand (under—1), and the African SDG Expert Group platform (currently: under—5) on the other hand. This important group may want to review their stance with regards to the appropriateness of the under—5 birth registration indicator. The Asia-Pacific countries decision in their CRVS group for the under—5 birth registration indicator and primary source date-of-registration indicators is contradicting the global (IAEG) consensus and UNSD recommended good practice respectively. It is hard to see how vital statisticians and civil registrars would continue to support an under—5 birth registration metric going forward, which from a vital statistics point of view is an arbitrary group to collect the registration rate for, while it also is counter-productive for the civil registration practice to adopt measurement methodology that is not supported by UNSD (Asia-Pacific region).

The decision to announce "CRVS Decades" for the period 2015—2024 in Asia and Africa in the context of the so-called ministerial processes seems unfortunate and may need review. It will not be productive to have such processes in parallel to the SDG process that has an end date by 2030, and aims at a legal identity for all that goes well beyond civil registration alone. Duplication of efforts will likely prove not sustainable in a context in which international aid will be dwindling. Organisationally a separation of civil registration and civil identification will prove not sustainable.

The governance of this important effort to achieve legal identity for all, and to measure progress along the way, is of eminent and imminent importance. Putting together a taskforce, perhaps under aegis of the UNICEF, USAID and World Bank Collaborative Group, to "fast track" the operationalization of a national ID coverage measure, improvement of the present primary and secondary source measures and the identification of an institutional home for comprehensive data generation and publication, seems an important and urgent step to make.

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