

Project Name Lao People's Democratic Republic-Land Titling II...  
Project

Region East Asia and Pacific Region

Sector Agency Reform; Natural Resources Management

Project ID LAPE75006

Borrower(s) THE REPUBLIC OF LAO PDR  
Implementing Agency

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#### 1. Country and Sector Background

Land, People and the EconomyThe Lao People's Democratic Republic (Lao PDR) is one of the poorest and least developed countries in the East Asia region. Bordered by Thailand, Cambodia, Vietnam, China, and Myanmar, landlocked Lao PDR covers 236,800 square kilometers. GDP growth (admittedly from a very low base) averaged 7 percent between 1992 and 1997, giving the Government hope that it would reach the goal of graduating from the ranks of the Least Developed Countries by the year 2020. Agriculture remains the major sector of the economy, contributing 53 percent of GDP and employing over 80 percent of the labor force. The country has faced serious economic problems from 1997-1999 as a result of the asian financial crises.The country has a population of about 5.2 million people (2000), growing at about 2.6 percent per annum (2001). The 1995 Census suggested that 17 percent of the population was living in urban areas by the early 1990's, with about 83 percent living in rural areas. The population density of the country has risen from 15 persons/km<sup>2</sup> in 1985, to 19 persons/km<sup>2</sup> in 1995. More recently a figure of 22 persons/km<sup>2</sup> has been suggested. Average per capita income is about US\$404 (2000). While the country is predominantly agricultural, it is the urban areas that are experiencing the fastest growth, both in total population and household formation. For example, the national population grew from 3.6 to 4.5 million or an increase of 24 percent, in the period 1985 to 1993 (1995 Laos National Census), but the Vientiane municipality increased by 32 percent, from 381,000 to 503,000 people. The difference was more pronounced in terms of household or family numbers. Nationally, the number of families or households increased from 601,797 to 685,230, or 14 percent, from 1985 to 1993, compared to an increase of 33 percent for Vientiane, which increased from 61,561 to 81,643 households. The 1995 Census determined that the average household size in urban areas was 5.9

and slightly larger (6.1 persons) in rural areas. As the population and economic activities increase in urban areas, so does demand for land and the need to improve efficiency of land use and land administration. Two basic types of land parcels can be distinguished in the country: home plots or parcels used for residential purposes, and agricultural land parcels. In 1993-94, there was a total of 394,417 hectares (ha) of land in use and subject to tax. Paddy and rice fields comprised 65 percent of the total area. Some 15 percent of the Lao households were in possession of irrigated land and 64 percent possessed dry land. The average size of cultivated holdings for Lao households is about 1.6 ha. Only 29,928 ha of land were utilized for urban uses.

Table 1: Land Use

Agricultural holdings	Number of households ('000)	Number of agricultural holdings ('000)	Number of land holdings	Farm population ('000)	Average household size
7986686474	74,058	6.1			
Area of holdings	Area of holdings ('000 ha)	Average area of holding (ha)	Holdings by area of holding (%)		
			- less than 1 ha- 1-2 ha- 2 + ha		
			Average parcels per holding		
			Average parcel size (ha)		
1.0481	1.6236	36272	10.77		
Land use (% of land)	Temporary crops	Left fallow	Permanent crops	Forest	Other land
7311852					
Land Tenure	Land Tenure (% of land)				
- in owner-like possession-	- other land	Percent of holdings renting land (%)			
9735	Source: National Agricultural Census (1995)	History of Land Titling			

Land titles were originally established with the creation of the Land Book in SR 1,912 and were kept in force under the Royal Order - Law No. 135 of 23 May 1958. These titles certified ownership of land and were supported by cadastral plans and maps for the towns of Vientiane, Pakse, Savannakhet, and Luang Prabang. While these original records were not maintained, there were a number of subsequent initiatives made for the establishment and maintenance of cadastral systems but they could not be sustained and were eventually abandoned after 1975. Since 1975, despite the fact that all land became vested in the State, and the fact that approximately one quarter of the urban population fled to neighboring countries, land use rights were informally recognized and a process of administering and recording transactions with those rights developed. This basic process is still in place today and, although the land use rights now have legal standing and registration of transactions with those rights is required by law, the system is one of registration of transactions not involving certification of title. However, even this system is not in place uniformly in all areas of the country and, even in those areas in which it is in place, it is not being fully used by the people. The number of parcels in the country is not known as data to determine the exact number is not available. Estimates made during the preparation of the first project suggested a total number of about 1.6 million parcels. The aim of the first land titling project was to develop the legal and regulatory framework for land administration, and issue land titles to around 300,000 parcels in Vientiane Prefecture and the provinces of Vientiane, Savannakhet, Champassak, and Luang Prabang. A brief description of the first project, including its achievements and lessons learned through the implementation thereof is included below.

Rationale for Land Titling

Since the introduction of reforms under the New Economic Mechanism (NEM) in 1986, the Government has been transforming the economy from a centrally planned to a market-oriented system. The structural reforms and sound macroeconomic management initiated under the NEM fostered a steady movement towards macroeconomic stability, production growth, the emergence of a small private sector, and increased foreign direct investment and trade flows, particularly with neighboring countries. A major element of the Government's policy in supporting the transition from centrally

planned to market economy has been the development of efficient markets for land, capital and labor to complement improvements in the capacity of the public sector to both plan and implement development programs. Efficient land markets and security of land tenure, on which they depend, are important in order to permit land to get allocated to its most efficient use and users and to encourage land-related investments and sustainable use of land. While land markets are now in existence in Laos, they are not yet considered to operate efficiently, effectively or openly. Land is being traded but the turnover figures, as measured by recorded land transactions, are not high and transactions are hampered by the problems of establishing occupancy and use ownership rights. There is a prevalence of illegal possession, sale and use of land and a large number of court cases relating to land, many of which are hampered by lack of ascertainable rights to and clear information on land; all these represent symptoms of an inefficient land market. Moreover, the great majority of the sale transactions are not registered. And since land registration is not common, there are foregone opportunities of using land as collateral to obtain loans from banks. Another missing link in the necessary framework for efficient land use has been the absence of a land valuation profession and capacity in Lao PDR. A land valuation function is important for both the Government and the private sector in their activities related to economic development. With the creation of the Valuation Information System (VIS) through the first Laos Land Titling project, this problem is being addressed, albeit that there remains much scope for further development and the expansion of the coverage of the existing system. The Government is already benefiting from the improved valuation capacity, as it assists in determining the values of land and other properties for purposes of assessing rental tax, land registration fees and land tax. It is important for the Ministry of Finance's (MOF) Department of State Assets (DSA) to have a valuation capacity to enable it to determine the most appropriate lease terms for the properties that are being leased out to the private sector as well as compensation values for properties acquired by the Government. On the private sector side, the banking industry represents the largest known demand for valuation related services. Mortgage lending activity has been very small, due in part to the lack of a complete and trusted system of registration but also due to the lack of reliable estimates of value (in particular, outside of Vientiane Prefecture and a few of the larger towns in the country) on which to base the loan. There are indications that the first Laos land titling project is impacting positively on the banking sector, in particular with regard to raising certainty in the system.

INSTITUTIONAL FRAMEWORK FOR LAND ADMINISTRATION

The Department of Lands (DOL) under the Ministry of Finance. The Department of Lands is the core national agency responsible for the design and implementation of land management and administration programs. DOL is the agency that has been responsible for the implementation of the first project. The mandate as defined by the Prime Minister's Office Decree (No. 104) dated 6 July 1993 is to carry out, under the direction of the Land Re-Management Committee, the design and supervision of national land registration and titling programs through the offices of the provincial services. The DOL, while expanded and strengthened during the implementation of the first project, still has limited resources and capabilities, a factor that needs to be fully recognized in the formulation of a national land registration program. The total staff of DOL has expanded from 19 at the beginning of the first land titling project to around 45 in the central office and another 360 staff

directly involved in land titling in the provinces. Department of National Land Planning and Development under the Office of the Prime Minister. The newly created Department of National Land Planning and Development has the responsibility of assisting the Government in ensuring state management and administration (macro-management) of land survey, land use planning and land development throughout the country (Office of the Prime Minister, Decree 237 of 11 December 2001). The Department consists of 4 divisions, namely the Division of Land Legal Documents, the Division of Land Control, the Division of Land Development and Promotion, and the Administrative and Information Division. The main functions of this new Department will be to: Disseminate and implement legislation, regulations etc. relating to land management and administration; Coordinate with other agencies concerned in drafting policies, legislation and regulations etc. to be submitted to the Government and national Assembly for approval and promulgation; Undertake the survey and planning in order to determine and manage land categories; Co-operate with agencies and Ministries concerned in strategic planning for land use and development; At the request of macro-agencies and local administrative authorities, study and put forward suggestions for the resolution of land disputes. Implement projects and programs assigned by government; Monitor projects and activities of central and local government agencies to report to the Government before taking decisions on land use for parcels under Government authority; Control the implementation of existing orders, regulations, etc. to ensure compliance; Make contact and cooperate with friendly countries and international organisations concerning land issues, based on the direction of the government; Manage personnel in compliance with regulations, assign staff to position in a suitable manner, suggest ways to improve organisation structures of land agencies at local government level.

Provincial Division of Finance. Administratively, the country is divided into 17 Provinces plus one special region and further divided into 129 Districts. At provincial level the Division of Finance carries out the major functions relating to land management. The actual implementation of the first project was done through the Division of Finance in the project provinces. The National Geographic Department (NGD) under the Office of the Prime Minister. The Department has the responsibility for carrying out mapping services, such as the establishment of the geodetic control, aerial photography and orthophoto mapping. The department has played a key role in supporting the surveying and mapping of the first land titling project and is expected to continue to play a key role in the second project.

Department of State Assets (DSA), Ministry of Finance. The DSA is responsible for the registration, supervision and maintenance of the assets in the form of property, land and enterprises owned by the State. The DSA is the holder of the national Government shares in enterprises which are divested through privatization, and has been the major player in the privatization program and maintains a register of national Government entities that have been privatized. The DSA is responsible for registering and maintaining a register of leases between foreign investors and Lao entities relating to state property. Provincial level state assets divisions carry out the same functions for provincial Government owned assets and as a result considerable overlap in functions occurs particularly in Vientiane Prefecture where DSA carries out a hands-on registration program in parallel with the Prefecture administration. The DSA has received support from the on-going land titling project mainly through technical assistance provided by the Australian government in developing policies on state land leasing. Implementation of these

policies can however only take place once the Prime Minister issues the decree on state land leasing. The Legal Framework Since the early 1990s the political regime in Lao PDR has moved to formalize land administration systems. The 1991 Constitution affirmed the rights of individuals to use land. The Fifth Party Congress (March 1991) identified the need to accelerate land registration and issue land title certificates so that the use rights for each parcel of land were clearly defined. Land management and administration policies are reflected mainly in the decrees that followed the promulgation of the Constitution in 1991. The first land titling project has supported the development of most of the legal and regulatory framework for land administration. i) Laws: the Property Law (Ownership Law of 1990), and the Land Law (33/PO of 1997). The Land Law of 1997 expressly repealed a number of previous laws - 22/CPM of 1989 on the management of agricultural land, 129/PM of 1979 on the land and houses of reactionaries sentenced by the court and 99/PM - the Land Law of 1992 (Article 86). This article also specifies that other regulations inconsistent with the land Law are repealed. This article 22/CPM of 1989 on the management of agricultural land, 129/PM of 1979 on the land and houses of reactionaries sentenced by the court and 99/PM the Land Law of 1992 (Article 86). This article also specifies that other regulations inconsistent with the Land Law are repealed. ii) Presidential Decrees - on Land Tax (03/PD of 2000). iii) Prime Ministerial Decrees - on Document Registration (52/PM of 1993), transforming State land use rights and ownership of houses, vehicles and essential household equipment to Government personnel ownership (194/PM of 1994 - apparently 'amended' by 3900/MoF of 1996), on implementing the Land Law (22/PM of 1999), on the implementation of the Presidential Decree on Land Tax (150/PM of 2000), and on the organization and activities of the Department of National Land Use Planning and Development (237/PM of 2001). iv) Ministerial Directions - on the fee for issuing titles (2232/MoF of 1997), on land parcel registration system (996/MoF of 1998), on systematic adjudication of land use rights (997/MoF of 1998), on sporadic adjudication of land use rights (998/MoF of 1998), on the position, roles and functions, rights organizational structure and working method of the Department of Lands (1362/MoF of 1999) and on cadastral surveying and mapping (748/MoF of 2000). The First Land Titling Project The objectives of the first Laos land titling project were to foster the development of efficient land markets and to facilitate domestic resource mobilization in order to achieve the ultimate goal of strengthening the basis for long term sustainable economic and social development in Laos. The project included the following components: (i) completion of the development of land policy and a legal framework for land administration and management; (ii) the implementation of an accelerated land titling program; (iii) improvements in infrastructure, facilities and land administration systems; (iv) improvements in land valuation. (v) support for institutional strengthening (vi) studies on community land tenure and registration, definition of forest boundaries, cost recovery, land rights issues on nationalized land and the socio-economic impact of titling. The project was appraised in 1995 and presented to the Board in early 1996. The Credit became effective around mid 1997. Delay in effectiveness was due to a change in government in Australia which caused delay in the approval and mobilization of the required Technical Assistance. The first project has been particularly successful in the development of the policy and legal framework and the property valuation component. A revised land law was passed in 1997 and several decrees on land administration and property

valuation have been prepared and enacted. The project was less successful in the issuance of land titles. The project was designed to issue land titles to around 300,000 parcels in Vientiane Prefecture and the provinces of Vientiane, Savannaket, Champassak, and Luang Prabang. Later, three more provinces were added for semi-systematic (sporadic land titling). The project cost was around US\$29 million; around US\$20 million was financed by IDA, US\$6 million from AusAID and the remaining US\$3 million was financed by the government counterpart funds. The number of titles issued under the project however has been much lower than initially planned, due to factors that include the lack of the government counterpart funds during the period of 1997 to 1999, weak staff capacity and bottlenecks in the technical processes. An assessment of the impact of the first project and lessons learned was undertaken in February 2002. A summary of the assessment is provided below and the full report will be distributed separately. Assessment of the Impact of the First Land Titling Project (summary) The design of the first land titling project included studies to assess the socio-economic and environmental impact of the project. However, there was a substantial delay in the procurement of the studies (for example, the land tenure center refused to sign the contract as it objected to several articles in the general condition of the Bank's standard contract). A new round of bidding was initiated only during recent months, resulting in the Land Tenure study having commenced during January of 2002, and the contract for the social assessment study being signed in March 2002, due for commencement in April 2002. As a result of the above mentioned delay and in order to understand the potential socio-economic impact of the project, a review mission was sent to Laos in February 2002 to conduct a brief assessment of the social and economic impacts of land titling. The main aim of the short review was not to replace the studies designed for the nearly completed first project, but rather to obtain a general impression of the impact of the project, and to identify some issues and lessons that may need to be taken into account should a second project be designed. In view of time and financial resource limitations, the socio-economic review mission focused on Vientiane Prefecture. In addition to conducting a small survey in six urban and peri-urban villages, the team interviewed numerous government officials in the Prefecture (at central, provincial and village level), representatives from four banks and one realtor. As titling has only occurred fairly recently, and relevant socio-economic statistics are generally lacking in Laos, it was difficult to isolate and measure the economic impact of titling. However, the study team conducting a brief review of the first project made the following observations with regard to the socio-economic impact of the project: 1) There is strong demand for land titles in urban areas. 2) Government land administration revenue has been boosted through the land-related taxes and fees introduced through the project. The titling project has assisted government officials (and particular district officials) in verifying land tax registers and setting collection targets. (The systematic titling system and the formal recording of parcel ownership prevent landlords from understating the number of taxable parcels they possess and therefore the size of taxable land.) Although land tax revenue at this point in time still represents only a relatively small portion of total government revenue, it has increased from around Kip 10 billion in 1999/00 to around Kip 21 billion in 2000/01, with Kip 26 billion expected for the 2001/02 financial year. In addition to the land tax and fee revenue income to the Government, the Department of State Assets in the Ministry of Finance gets an income from

the lease and sale of government property. The Valuation Information System (and in particular the zoning tables) established through the first land titling project assist the state in determining realistic property values on which to base rental rates on. 3) Several people who received titles under the project have used the titles as collateral to get bank loans, and used the loan money to expand existing businesses or establish new small businesses. With titles as collateral, obtaining longer term loans has to some extent been made easier (family and money lenders prefer giving loans that are of shorter term in nature). This has apparently made it easier to undertake larger projects such as building apartment blocks, etc. Unlike what was the case in Thailand, titling has not (yet) had any measurable impact on interest rates. 4) There is some evidence that may suggest titling has positively impacted on property transactions and building and construction activities in the Prefecture area. The number of registered property transactions (registration of dealings in land use rights) in the 100 village area included in the Valuation Information System appear to have increased significantly since 2000 (after/during titling in much of the area). Building and construction activities may also have in part been stimulated by titling - the number of building permits issued for example rose substantially between 1996/97 (shortly after the project was launched) and 1997/98. 5) The first land titling project appears to have stimulated discussion and thought about the rights of women with regard to owning land use rights, as well as inheritance issues. A project progress report (November 2001) noted that the number of titled land parcels registered jointly and in the names of women exceeded the number registered in the name of males. 6) In addition to the above, the project has in some instances forced simmering land disputes into the open, and has assisted in resolving a number of these in an orderly fashion.

## 2. Objectives

The proposed Land Titling II Project will be the second phase of the long term land titling program. The objectives of the project are to (i) improve the security of land tenure; (ii) facilitate the development of land markets; and (iii) improve government revenues from property related fees and taxes. These objectives would be achieved through formulating and approving land policy and regulatory changes, strengthening institutional capacity and project management, accelerating land titling activity in areas of high demand, developing and implementing a community-accepted land registration system, strengthening land valuation systems, and implementation of systems to lease State land.

## 3. Rationale for Bank's Involvement

IDA support to the proposed project will consolidate the achievements of the first phase by focusing on institutional strengthening to the land agencies (Department of Lands, National Geographic Department, and the Department of Planning and Land Allocation) to ensure the land administration system is sustainable once donor support ends. The co-financing arrangements between IDA and AusAID will build on the experience of the first phase and will reduce management burden on the government and facilitate the provision of technical assistance (TA) essential to ensure successful implementation of the project. Finally IDA and AusAID have developed extensive experience working together in supporting land titling/ administration projects in East Asia region and in integrating policy, institutional and technical aspects to improve land

tenure security and promote the development of land markets.

#### 4. Description

The project will include the following components: Component 1: Development of land policy and regulatory framework. (a) Development of government capacity to formulate land policies. (b) Formulation of key land policies for land administration. (c) Development and Drafting of decrees and ministerial instructions. Component 2: Institutional Development (a) Long term institutional development to land administration agencies at the central and local levels (Department of Lands, National Geographic Department, and Land Planning and Allocation Department). (c) Development of the High Diploma on Land Management Education Program in the Polytechnic Component 3: An accelerated program of systematic and sporadic land titling (a) Information dissemination and community participation. (b) continuation and acceleration of the systematic land titling activities initiated under the first project. (c) continuation and expansion of sporadic and semi-systematic land titling activities specially in the rural areas. Component 4: Development of a modern land registration system (a) Re-engineering of land office functions. (b) Development of procedures and regulatory framework for land registration. (c) Capacity building and training to ensure sustainable land registration system. (d) Support of decentralized land office functions by establishing new land office. Component 5: Strengthening and Expansion of Property Valuation Functions (a) Strengthening land valuation department in DOL. (b) Expand land valuation to the main four main cities in Laos. Component 6. The implementation of a formal system for the leasing of State land. (a) Development of a regulatory framework for leasing of State land (b) Strengthening the Department of States Assets Component 7: Project Management (a) Technical Assistance to Support project implementation (b) Support to the Project Support Unit and the Provincial Project Support Units to implement the project (c) Monitoring and Evaluation.

1. Development of land policy and regulatory framework.

2. Long-term development of land administration, including the Department of Lands at all levels, the land tax institution, project management and education and training.

3. An accelerated program of systematic land registration consistent with and support for the development of sporadic registration procedures.

4. Development of a modern land registration system.

5. Strengthening and expanding land valuation system;

6. The implementation of a formal system for the leasing of State land.

7. Project management including technical assistance

#### 5. Financing

Total ( US\$m)

BORROWER \$5.00

IBRD

IDA \$25.00

AUSTRALIA: AUSTRALIAN AGENCY FOR INTERNATIONAL DEVELOPMENT \$10.00

Total Project Cost \$40.00

#### 6. Implementation

While the lead agency for the proposed project is the Department of Lands in the Ministry of Finance (same as the first project), the successful implementation will require the coordinated input from various government agencies. The Department of State Assets, also in the Ministry of Finance, will play a central role in component 6. The new Department of National Land Use Planning and Development in the Office of the Prime Minister will play a central role in the development of the policy and legal framework (component 1). The Lao Women's Union at all levels will play a key role in supporting the community relations and services program that supports all components of the project. The Vientiane Polytechnic in the Ministry of Education will play a key role in the education sub-component in component 2. Detailed project implementation arrangements will be worked out during project implementation.

#### 7. Sustainability

A number of actions will be taken to ensure project sustainability. First, to ensure that benefits of the first-time registration are sustained through the registration of subsequent transactions, the project will include public information campaigns to explain the importance of registering land transactions for maintaining land tenure security and gaining access to credit. Second, the project will support the development of institutional and human resource capacity that will sustain titling and registration activities which will help build capacity to manage title transfers after the project is complete. Third, the project will study and formulate land policies aimed at eliminating factors that discouraging people from registering land transactions, such as high transfer taxes and the requirement for three levels of registering transaction (village, district and province).

#### 8. Lessons learned from past operations in the country/sector

In preparation of the formulation of the proposed project, an independent review mission was sent to Laos to review the performance of the first project and identify lessons to be incorporated into the design of LTP II. The full report of the review is being circulated with the PCD. The main findings are summarized below: Project Achievements: While the project was very successful in the development of the legal and regulatory framework, it was less successful in building the capacity of DOL. Also, the number of titles issued under the project is far less than what was anticipated during appraisal. This is due to lack of counterpart funds from 1997-1999; weak capacity of the PSU and the inavailability of technical staff to join the adjudication teams, and bottlenecks in technical procedures. Performance of the project has significantly improved recently by achieving the SAR target in PY5; the number of titles issued in PY5 has exceeded the number of titles issued from year 1- 4 combined. Government Capacity. The government capacity to implement the project is weak. The project implementation requires high level expertise in policy development, community development, procurement and financial management and a large number of staff in surveying and mapping and adjudication. The level of staff is very low and it took much longer than envisioned to train new staff. Also, government salary has depreciated so quickly from 1997-1999, where government jobs became no longer attractive to qualified candidates. Furthermore, DOL need to hire many new staff to undertake its new expanded

mandate, but government freeze has limited DOL ability to recruit the essential staff. Government capacity to implement the project and thereafter sustain its achievements will be considered very carefully during project preparation. Policy Formulation/Project Oversight. Lack of clarity in policy has negatively affected LTP implementation. Little progress has been made in developing land policy in the wider context - such as linking the land administration system to land management and the allocation of land. There has also been a lack of regular oversight of the project by policy makers. In a workshop conducted as part of the Land Administration Review in early 2002 it was generally agreed that the coordination of policy was the responsibility of the new Department of National Land Use Planning and Development. The design of LTP II will work with GOL to clearly specify an effective oversight arrangement to resolve policy matters as they arise and to facilitate the development of a comprehensive land policy framework. Effectiveness of CRS/GAD. Community Relations and Services (CRS) and Gender and Development (GAD) activities under LTP may not have been as effective as they should have been. There is a need to assess the effectiveness of communication tools with the various groups and how to best obtain their active involvement and participation in the project. There is also a need to address the issue of how communities can in turn guide the course and contents of the project and on an ongoing basis contribute to the development of land tenure policy and strategies and ensuring effective implementation of the project. The design of LTP II will investigate if CRS/GAD activities are indeed the most effective way to ensure the equitable distribution of benefits, and, if so, then review ways of ensuring that qualified and skilled staff are attracted and retained, that more and better targeted CRS/GAD materials are developed in a professional manner, with appropriate M&E, and distributed widely within the project areas. There is also the need to assess the role and effectiveness of the LWU in supporting the CRS/GAD.

9. Program of Targeted Intervention (PTI)            N

10. Environment Aspects (including any public consultation)

Issues : There are two areas in which the project may affect the environment: (i) construction of office buildings; and (ii) land use conversion as a result of issuing land titles. Project preparation will include detailed environmental analysis to ensure that adequate mitigation measures are incorporated in the project design. Environmental analysis will be distributed as part of the Decision Meeting documents.

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Note: This is information on an evolving project. Certain components may not be necessarily included in the final project.