Project Information Document (PID)

Concept Stage | Date Prepared/Updated: 18-Jan-2020 | Report No: PIDC28044
BASIC INFORMATION

A. Basic Project Data

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<tr>
<th>Country</th>
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<td>P172422</td>
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<td>Senegal Cadastre and Land Tenure Improvement Project (P172422)</td>
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<td>Ministry of Finances and Budget</td>
<td>Project Implementation Unit - Ministry of Finances and Budget</td>
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**Proposed Development Objective(s)**

The proposed Project Development Objective is to strengthen the Government’s capacity for the implementation of its cadastre at a national level; and to improve the land use and property rights registration system in selected areas.

**PROJECT FINANCING DATA (US$, Millions)**

**SUMMARY**

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<th>Total Project Cost</th>
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<td>Total Financing</td>
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**DETAILS**

**World Bank Group Financing**

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<tr>
<td>IDA Credit</td>
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Country Context

1. **Senegal is one of the most stable democracies in Sub-Saharan Africa (SSA) and among the fastest-growing economies in the region.** Senegal has well established institutions, an active diaspora, and exercises significant regional influence. The country has a strategic coastal location with proximity to key European and North American markets and serves as a gateway for landlocked neighboring countries. Senegal is aspiring to transform into an emerging economy by 2035. Strong recent growth, driven by stable macroeconomic framework, public investments, enhanced competitiveness, and a favorable environment, follows decades of sub-par performance. Driven by progressively resurgent exports, the Senegalese economy has been expanding more than 6 percent annually since 2015, positioning Senegal among the fastest growing economies in Africa. Agriculture, and substantive investments in large infrastructure constitute key drivers of economic growth.

2. **Deeper structural reforms over the next 5-6 years will be needed for Senegal to make its economic growth inclusive and sustainable.** Questions about sustainability of economic growth arise considering a widening external deficit and accumulating arrears. Notwithstanding the reduction in poverty by 4.5 percent since 2011, economic growth has not translated into the reduction of inequalities. The fragility of growth is underlined by political economy constraints, a still fragile taxation system, and tensions around the demographic bulge, all of which are exacerbated by regional security stressors. To overcome these challenges, Senegal will need to successfully implement structural reforms and drive the pro-poor orientation of its growth. A key avenue for pro-poor growth and poverty reduction lies in unlocking the economic potential of non-extractive natural resources, including agriculture and livestock, which are still employing most of the country’s poor. This will imply accelerating reforms in some key sub-sectors, such as modernizing the land tenure system envisioned by the country’s national development policy. Acceleration of economic growth strongly depends on activities requiring the availability of large surfaces of land. The primary sector expanded by 7.8 percent in 2018, mainly due to agriculture and related activities. The secondary sector recorded 6.9 percent growth, driven mainly by mining subsectors, commercial agriculture, and construction. Economic expansion is supported by high private investments in land for the sectors of oil, energy, mining, transport infrastructure, agriculture, and tourism.

3. **Accessing and owning land as well as registering property** are among the most difficult aspects of doing business in Senegal. According to the Doing Business 2020 report, Senegal is one of the two SSA countries which made most progress in improving their business environment. While this is encouraging, the government will need to further deepen the reform agenda to address the remaining key constraints faced by the private sector. In particular, the

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2 Senegal was positioned 116th out of 187 countries in the Registering Property ranking of the Doing Business 2020 report.
3 This year, Senegal ranked 123rd (out of 190) in the Doing Business in 2020 report by improving access to credit information and streamlining tax administration for SMEs through the eTax platform.
Investment Climate Assessment\(^4\) ranked the practices of the informal sector as the most severe constraint for formal companies (58 percent), closely followed by access to finance (55 percent), electricity (49 percent), and land (44 percent), as well as tax rates and tax administration (30 percent and 27 percent respectively). A key obstacle to private sector investment is the outdated legal framework, preventing to a large extent the allocation of land rights that are tradable and transferable while spawning an extensive informal land market. Most farmland in the national domain is neither mapped nor demarcated\(^5\). The limited access to land is a key obstacle to increasing productivity in agriculture and to shifting resources to other sectors of the economy.

4. **Climate and disaster shocks further exacerbate the degradation of livelihoods and competition over access to land and natural resources.** Although Senegal is not among the most affected countries in the Global Risk Index\(^6\), droughts and floods have intensified in recent years. Climate change is expected to further increase the extremes of weather patterns and natural hazards facing Senegal, with roughly 67 percent of the population residing in the urban coastal zone, also the location of 90 percent of the Senegalese industrial production. Climate change also has a serious impact on climate sensitive sectors, such as agriculture (70 percent of production is rain-fed), and livestock and fisheries, which account for 20 percent of GDP and employ a majority of the workforce. Migration is a common coping strategy in response to climate change shocks and future environmental changes are likely to intensify this dynamic, potentially driving population movements (such as nomadic pastoralists) towards coastal areas and reinforcing related tensions. Moreover, the competition for water resources is likely to escalate, especially the water resources of the Senegal River that are shared by four riparian countries.

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\(^4\) *Senegal Investment Climate Assessment*, World Bank, June 2017.
\(^5\) *Senegal Land Governance Assessment Framework*, 2013.
\(^6\) In the Global Risk Index 2019, Senegal is ranking 122 out of 195 countries
\(^7\) Loi n\(^{\circ}\) 64-46 du juin 1964 relative au Domaine national.
\(^8\) In the region of Saint-Louis, 67 percent of the land was acquired through procedures that did not comply with the legislation (PACR, 2011).
6. **Limitations in formal law and social norms constitute tremendous barriers to guaranteeing women equitable and secure land rights.** Although the 2001 constitution grants equal access to and ownership of land for women and men\(^{11}\), the 1964 law does not include specific articles on gender equality nor provide for the registration of use rights in the name of couples, several individuals, or other collective entities. Since most women access land through their husbands, this is particularly impeding formal strengthening of their tenure rights. In practice, land transfer in rural areas is still widely based on customary rules that conform to a patriarchal regime, meaning that landowners are almost always men\(^{12}\), regardless of the contribution of women to agricultural production. In addition, cultural and historical factors (polygamy and lack of legal marriage) make it particularly difficult for women to access, manage and stay on land. When women succeed in acquiring the right to a piece of land, it is often very small, or in remote areas and farther from water supply points compared to the distance for land owned by men.\(^{13}\) The gender gap in land tenure is highly significant in Senegal.\(^{14}\) Although civil laws in Senegal provide equal rights for men and women, in terms of property rights, women are disadvantaged, owning only 9 percent of agricultural land and 8 percent of houses. In cases of inheritance, women have unequal rights, and in case of divorce or husband’s death, women are at risk to lose access to land and family property.\(^{15}\) Widows and divorced women can lose their right to land that they cultivate and often find themselves forced to return to their family in order to have a meager plot for themselves\(^{16}\). The decentralization of the management of the national domain had no effect on the recognition of women’s land rights: they have little representation in local land management bodies, and rural councils generally deliberate in favor of attributing land to men.

7. **Communes are overwhelmed by the challenges faced for registering land tenure rights.** The 1964 law entrusts to the rural communities -rural municipalities since the 2013 Decentralization Act- the management of the rural land ("terroirs") included within the national domain. Enforcement of laws has been sporadic and with limited success, largely because municipalities were not equipped with the human capacities and the financial and technical resources to perform their land management functions in face of the magnitude of problems. The land governance regime contained in the legal framework does not respond to the growing demand among Senegalese citizens for formalizing their land rights. Without effective tools to document land tenure rights and claims, like a cadastral system providing information on who owns what and where, and in the absence of the definition of precise municipal boundaries, local authorities are allocating land in the dark, and are unable to perform any kind of land use planning. Given the insufficient human and financial capacities of the national and communal land administration, the cumbersome and costly procedures\(^{17}\) to register land, and the gap between legal systems and land tenure practices, land rights are rarely registered. The granting of real rights remains a procedure centrally operated by the State.

8. **Senegal’s growing population has led to increasing pressure on land, especially in rapidly growing urban areas near the capital and in the Western side of the country.** The country’s population of 15.8 million nearly doubled since 1992, when it counted 8 million; and the population is expected to double again by 2040\(^{18}\). Almost half of the

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\(^{12}\) The land occupancy and rights survey taken by the MCA shows that 80 percent of land titleholders in Podor are men (MCA, 2012)

\(^{13}\) Case study in Ross Béthio, Women’s Access to Land in Senegal: Some Lessons from the Baselines Study, IPAR, April 2019, Dakar.


\(^{15}\) PRINDEX Comparative report : https://www.prindex.net/reports/prindex-comparative-report-march-2019/

\(^{16}\) Women are 20 percent more worried than men about being forced to leave their property in such situation. Prindex, 2019.

\(^{17}\) All persons desiring a land title or a lease of domain land must first request the registration of the land in the name of the State, and then pursue a transfer of ownership or a dismemberment of the property acquired from the State.

population lives in Dakar and other urban areas, estimated at 47.7 percent in 2019, and is projected to reach 60 percent by 2030. The competition for land for housing, agriculture, and other investments is a huge problem for local authorities, especially those in peri-urban area, along the Petite Côte and in the Niayes, the largest horticultural production area. Informal settlements have flourished on the peripheries of cities, often in agricultural, protected, and flood-prone areas. Many secondary cities struggle with a chronic deficit of urban infrastructure and service delivery, including water and sanitation, sewage systems, and waste management. The legal framework allows urban ownership of land, but heavy administrative procedures meant that very few urban property titles were issued (around 150,000 in 2014). Tenure regulation will be a fundamental base for managing rapid urbanization and informal settlements in the context of high population growth.

9. **Documenting and delineating farmland under the national domain is critical for ensuring food security and protecting community rights.** Senegal does not meet its self-sufficiency goals and feeding a population that will double by 2040 represents a huge challenge. The production of food crops does not even cover 30 percent of the actual Senegal’s food needs. Considering that food security remains a challenge for a non-negligible share of the population, farmland needs to be secured for food and nutrition purposes. However, most farmland that falls within the national domain is neither documented nor delimited. Senegalese farmers are, in fact, in a situation of illegality when they sell, inherit, or rent the land that they cultivate. In the meanwhile, the countryside has undergone deep transformations through the development of large-scale irrigation projects and the agribusiness sectors. The interest by domestic and foreign investors for large-scale large areas acquisition has increased. Acquisitions are made in large areas ranging from a few hundred to up to tens of thousands of hectares, and undermine in some cases the land rights of communities and populations. Four hotspots harbor 92 percent of ongoing land transactions: the delta of the Senegal river, the Ferlo area, the Niayes area, and the Petite Côte between the cities of Dakar, Thiès, and Mbour. Ongoing and forecasted land transactions are dominated by horticulture in the delta area, as well as the Niayes area that is closer to Dakar.

10. **The Senegalese Government has been trying to reform its land policy for the last two decades, without reaching concrete results, but there is an emerging consensus on the need for a reform.** Various attempts at land reform in the past two decades (reflected in multiple successive national land commissions established since 1996) have not yet borne fruit, including the work of the last Land Reform commission, established in 2012-2013, producing a land policy document following extensive consultations. The commission itself was dissolved and the policy is pending the President’s approval since April 2017. However, multiple reform initiatives have generated consensus on the need to transform the current occupancy rights of rural dwellers in real rights, while protecting pastoral and forest areas. In particular, there is a wide consensus on the need to grant farmers the inheritance of land. The main barriers concern the extension of the real rights and the level of control of land management between central and local government. There is also consensus on the need for more investment in land management instruments, and better control mechanisms to address elite favoritism, tacit approval of land sales and leases by local authorities, and corrupt tactics. Country stakeholders, across concerned ministries (Finance, Economy, Collectivités territoriales, Agriculture), municipalities, and the private sector, widely agree on need of a cadastre. Mayors unanimously concur on the need to allocate land based on precise geo-referenced location, to clarify the status of land rights, and share information on use and property rights between Central and local government.

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19 Vulnerability to food insecurity and malnutrition remains worrisome. Although improving over time and varying throughout the year, overall food security remains a challenge for a non-negligible share of the population, as over 15 percent of rural households, and over 8 percent of the urban ones are food insecure. WFP (2014).

20 Land Governance Assessment Framework Senegal. 9 May 2013.

11. Recently evolving institutional landscape, multi-stakeholder dialogue on land, and new regulatory provisions provide opportunities for land rights registration. The legal framework provides for integration of occupancy rights into the national cadastre and the attribution of a cadastre identification number -NICAD- to all registered parcels. The national cadastre, managed by DGID, can accommodate both use and ownership rights. A Local Government Directorate (Bureau des Collectivités Territoriales) recently created within the Ministry of Finance and Budget (MFB) is supposed to help municipalities manage their land and promote their financial autonomy. New opportunities also arise to identify solutions on how to address barriers related to land reform. The national multi-stakeholder platform on land governance in Senegal is unique in its convening power, bringing together members from relevant ministries (Agriculture, Fisheries, Livestock, Environment, Collectivités territoriales) and more recently, the MFB and representatives from CSOs, research institutions, private sector, and local government and farmers’ organizations. The dialogue mechanism, created in 2014 and withstanding political changes, is driving country implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). The existence of a donors’ coordination mechanism involved in the land sector facilitates donor information exchange and collaboration, creating synergies and avoiding duplication of investments in the land sector.

12. Diversified experiences, supported by various donors, including the WB funded Sustainable and Inclusive Agribusiness Project (PDIDAS), can inform initiatives to improve rural land administration. The experience gained from the different operations, including PDIDAS in terms of Land Bureaus and secured deliberations that result in the issue of a Certificate of Occupancy with a NICAD, provides the basic elements for a cadastre integrating land use rights and ownership. Nine Land Bureaus were established in the municipalities in the regions of Saint-Louis and Louga, covering 41 villages, to respond to the demand to formally document land use rights. 21,600 demands were received, 13,700 plots were surveyed covering a total of 52,000 ha, and 8,200 plots were approved by the DGID and the prefectural services and were attributed a NICAD. The AFD works in partnership with the SAED to support municipalities for better planning of land use, natural resources, and the management and protection of different land rights, in particular in the Senegal River basin. The irrigation and tenure security programme supported by the Millennium Challenge Account (MCA) has resulted in the registration of 5,168 ha land in a land information system, involving 15,246 farmers, accompanied by a range of tools. FAO is supporting improvement of tenure governance, at national and regional level, in the frame of the VGGT. The government seeks to develop and design a Land Information System which was initially supported by the EU.

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22 Decree nr 2012-396 of March 27, 2012.
23 Cadastre Identification Number (Numéro d’Identification Cadastral), attributed by the DGID.
24 The platform’s Steering Committee is chaired by a representative appointed by the Ministry of Agriculture and Rural Equipment and is co-chaired by a representative of the National Council for Rural Consultation and Cooperation (CNCR). The think tank Initiative prospective agricole et rurale (IPAR) hosts its Secretariat.
25 Groupe des partenaires techniques et financiers sur le foncier, sous-groupe du Groupe Thématique Développement Rural et Sécurité Alimentaire (GTDRSA).
26 Projet de développement inclusif et durable de l’agribusiness au Sénégal.
28 Programme d’irrigation et de sécurisation foncière, phase de formulation I., 2007-2010, phase II. 2010-2015, MCA
29 Manuel de procédures foncières Plan d’occupation et d’affectation des sols, Charte domaine irriguée, SIF manuel et numérique, Commissions Domaniales Elargies, Comité Technique d’Appui à la Sécurisation Foncière.
13. Reforming the land sector over the next five years is a key commitment of the new national development strategy (PSE 2). The PSE 2 emphasizes that access to tenure is fundamental to the country’s economic emergent structural transformation and strategic objectives related to agriculture and housing. Improving land access is one of the PSE’s six planned reforms, aiming at the establishment of a national cadastre, the acceleration of land tenure security in rural areas through the granting of land titles, and the completion of the electronic land register. The PSE is considering a set of priority actions between 2019 and 2023, including the formalization of occupancy rights in rural areas to real rights, investment in land management instruments by land administration services, the distribution of responsibility between municipal management and the central government, and systematic registration in the urban land register.

Relationship to CPF

14. The operation is well aligned with the World Bank Group’s Country Partnership Framework (CPF) FY20-24 for Senegal, and directly promotes the Bank’s twin goals. The Senegal FY13-17 CPF and the newly finalized Systematic Country Diagnostic (SCD) strongly recognize that the absence of a clear legal framework on access to land, especially for women, is impeding effective and efficient development of private sector activity in key sectors for growth, including in projects of the WBG group, and continues to be a source of graft and corruption. The FY20-24 CPF (under preparation) puts further emphasis on this recognizing the need for a comprehensive land reform. The proposed Senegal Cadaster and Land Tenure Improvement Project is in fact directly linked to focus area 2 of the CPF “Boost competitiveness & job creation through private sector-led growth” and supports objective 2.4 “Boost productivity and competitiveness of agriculture and related value chains”. This operation is intended to strengthen the capacity of the government for the implementation of a national land registry and improve the system of registration of land rights in selected areas of the national domain. Capitalizing on a PDIDAS pilot to support formalization of land use rights, the project aims at scaling up the effort to the rest of the country through the development of Land Bureaus and systematic land rights registration through a national land database that will pave the way to a cadaster.

15. The proposed PROCASEF project also supports and contributes to the realization of the national development strategy (PSE 2), which has land reform as a key commitment. PSE 2 emphasizes that a clear and transparent land tenure system is fundamental to the country’s economic emergent structural transformation and strategic objectives related to agriculture and housing. Improving land access is one of the PSE’s six planned reforms, aiming at the establishment of a national cadastre, the acceleration of land tenure security in rural areas through the systematic granting of land documents, and the completion of an electronic land register.

Proposed Project Development Objective(s)

16. The proposed Project Development Objective is to strengthen the Government’s capacity for the implementation of its cadastre at a national level; and to improve the land use and property rights registration system in selected areas.

Key Results (From PCN)

17. Project Development Indicators include:

a) 150,000 households (totaling 1,350,000 people) obtaining an official land document in rural and peri-urban areas as a result of the project (Number of which female (percent));
b) Municipal land bureaus adequately staffed, and resourced according to a defined strategy/work plan (number);
c) Establishment of a national land information system providing connection between Municipalities and the national land administration department (DGID) (Yes/No).

18. Intermediate indicators include:
a) Share of target beneficiaries with rating ‘Satisfied’ or above on land use or property rights registration activities (percent);
b) Land parcels recorded with a NICAD and issued with the support of the project;
c) New qualified land professionals meeting defined standards resulting from project interventions (Number, of which female (percent));
d) Municipalities equipped with an updated land use planning –Plan d’Occupation et d’Affectation des Sols (POAS)– (number).

Concept Description

19. The project will be implemented during the 5-years period and will be organized around 4 Components. As stated in the Plan Senegal Emergent 2, the Government of Senegal seeks to improve land tenure management through a national cadastre. However, the prerequisites for a national land rights registration operation (appropriate institutional framework, Land Information System, geodetic infrastructure, human capacities) are not yet in place and the proposed project would represent a first stage of successive investments that will support the Government in delivering on its commitment in close collaboration with the other donors involved in the land sector (GIZ, KfW, AFD, DFID, Canada). In recognition of the need to phase-in the implementation of a cadastre, the Bank’s current engagement is therefore proposed as a first 5-year project which will be organized around 4 Components:

- **Component 1: “Strengthening land institutions and investing in infrastructures” (US $33.3 million).** The specific objective of this component is to strengthen the institutional capacities for implementing, monitoring, and supervising field operations and to provide the needed infrastructures required for a National Land Tenure Program.

- **Component 2: “Supporting land rights registration operations” (US$ 33.5 million).** The specific objective of this component is to undertake field operations using simplified operating modes and updated technologies, aiming at achieving an initial quantitative target in terms of the archiving of existing land tenure documentation, first-time land registration of individual and collective land rights, including women land rights, and the delineation of Communes’ boundaries.

- **Component 3: “Supporting a Land Training, Communication and Research Action Plan (US$ 8.0 million).** The implementation of a nationwide land tenure program will require the deployment of many land professionals in both the private and the public sectors across the country to implement and oversee the land registration procedures. These staff will need to have adequate knowledge of new technologies, relevant legal texts, and social issues related to land. Such skilled professionals are currently very rare, and a major effort will need to be made in training additional professionals, and encouraging the participation of female professionals, to support the National Land Tenure Program. The specific objective of this component is to make available the qualified human resources needed for the implementation of the land policy at the national level. The aim is to promote the creation of official courses and vocational training on land within existing training institutions. This component will also include support to establish a Land Observatory and to develop a communication plan and to help the civil society involved in land
issues in the monitoring the project activities.

- **Component 4: “Program Coordination, Monitoring and Knowledge Management” (US$ 5.2 million).** This component will facilitate: (i) administrative, technical, and financial management of the program, including effective contractual arrangements with key implementing partners and qualified consulting firms; (ii) audit, complaints, and grievance mechanisms; (iii) coordination among all institutional partners to ensure efficient flow of information across the land sector; (iv) monitoring and evaluation of the performance and the financial, environmental, and social impacts of the project, including of safeguards processes, as well as studies and assessments required under various project components; and (v) the development of communication activities to publicize and disseminate the project results, best practices, and success stories. Given the competencies of the MFB on land, and to avoid overlapping institutional arrangements in the land sector, project coordination and management will be conducted under the responsibility of a Coordination Unit under a Steering Committee chaired by the MFB, subject to an assessment by the World Bank. This coordination unit will benefit from a financial autonomy and appropriate management resources, with the capacity to manage the funds allocated by the World Bank and other donors, in order to avoid increasing the number of implementing agencies in the same land sector.

### Legal Operational Policies

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### Summary of Screening of Environmental and Social Risks and Impacts

**Environmental Risk Rating is Moderate.** The environmental risk classification for the Project is moderate under the World Bank ESF based on the nature of the project activities as presently known. The risk rating will be revisited, appropriately, when more details are known. The expected environmental impacts of the project will be generally positive. However, some activities such as infrastructures construction/rehabilitation to support the establishment and maintenance of a national geodetic network by setting up Continuous Operating Reference Stations (CORS) around the country are likely to induce potential environmental adverse impacts. Given that these are general and small-scale construction activities, the potential adverse risks and impacts on human populations and/or the environment are not likely to be significant. This is because the Project activities are not complex nor large, do not involve activities that have a high potential for harming people or the environment. No adverse impacts on biodiversity and habitats are expected.

**Social Risk Rating is Substantial.** The project could have potential social impacts as the Component 2: Supporting land rights registration operations could lead to a loss of access to land or resources and the delimitation of land and municipalities could impact some communities and populations in the targeted project areas. There is a possibility of vulnerable groups exclusion due to their inability to get access to relevant information regarding their rights to register land. Thus, the systematic land rights registration approach promoted by the project will be a key mitigation measure as it will help disseminate information about the opportunity for a free of charge land document issuance to any applicant. The project is intended to generate positive environmental benefit. The social risk will remain at the level of the land delimitation.
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APPROVAL

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<td>Country Director:</td>
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