

**PROJECT INFORMATION DOCUMENT (PID)
APPRAISAL STAGE**

Report No.: AB6212

Project Name	BD Identification System for Enhancing Access to Services (IDEA) Project
Region	SOUTH ASIA
Sector	General public administration sector (60%); Information technology (40%)
Project ID	P121528
Borrower(s)	GOVERNMENT OF BANGLADESH
Implementing Agency	Bangladesh Election Commission (BEC), Bangladesh Election Commission Block-5/6, Sher-e-Bangla Nagar Dhaka Bangladesh Tel: (880-2) 812-2600 Fax: (880-2) 811-9819
Environment Category	<input type="checkbox"/> A <input type="checkbox"/> B <input checked="" type="checkbox"/> C <input type="checkbox"/> FI <input type="checkbox"/> TBD (to be determined)
Date PID Prepared	December 13, 2010
Date of Appraisal Authorization	January 18, 2011
Date of Board Approval	May 26, 2011

1. Country and Sector Background

- (a) The Government of Bangladesh has made improvement of service delivery, particularly through the expanded use of information and communication technologies, as a major thrust of its effort to improve governance and counter corruption. It is implementing a broad *Digital Bangladesh* agenda which has translated into a broad array of ICT applications being used in the public sector as well as the development of core technical capacity to support the utilization of ICT through the increase in connectivity. In particular, it has set up information centers in all 4501 Unions, the lowest administrative unit in the country and initiated a number of digital service delivery. The gains through utilization of ICT have yielded perhaps the most prominent governance improvements in Bangladesh in recent years. The Digital Bangladesh agenda has enjoyed wide public support and created high expectations for an improvement in the State's performance, particularly in how it interfaces with citizens.
- (b) Increased use of ICT allows for greater efficiency and transparency as well as reduction of opportunities for corruption. The combination of these potential gains and the Government's commitment make it an area of particular opportunity, particularly in the context of continuing shortcomings in the State's overall performance in Bangladesh. An inefficient and highly centralized State apparatus combined with weak institutions of accountability and often extreme political rivalry has led to suboptimal performance of the public sector. Bangladesh's impressive economic and social progress in the past decade has been mainly due to the industry of its people rather than mobilization of the capacity of the State. Yet, as is noted in the current 2nd National Strategy for the

Acceleration of Poverty Reduction, the State should play a more effective role in delivery of essential services to sustain and accelerate these gains. In addition, confidence between Government and citizens in Bangladesh would improve to the extent that the former is able to achieve greater transparency and efficiency.

- (c) An important foundation for effective service delivery is the State's capacity to identify citizens accurately and quickly and the ability of individual citizens to track what services they are entitled to receive from the State. A comprehensive nation-wide identification (NID) system is integral to achieving these goals. An NID system will assist public agencies in identifying and verifying the identities of citizens as well as compiling data to make better targeting decisions and promote inclusion. It also facilitates private sector transactions through lowering costs in the management of data and following know-your-client guidelines as well as simplifying procedures for individuals applying for services. In recognition of these benefits, particularly in conjunction with ever greater usage of ICT, many countries are enhancing the NID systems to obtain greater reliability and efficiency. Enhancements include both greater systematization in the issuance and maintenance of numbers as well as security improvements for ID cards and verification systems, including the use of biometric technology.
- (d) Bangladesh's system for identification of individuals received a major boost as a result of a drive to improve the voter registry in preparation for the national elections in 2008. These preparatory efforts, and subsequent maintenance of data, brought about greater transparency and reliability in the identification of voters. With support from several donors in a project implemented by UNDP, a number of important building blocks for developing a National ID system were put in place. These include: a database comprising 87 million voting-age citizens with biometric information, experience with the issuance and updating of a simple voter ID card, construction of nearly 500 *upazila*-level offices, and associated management experience.
- (e) The successful development of an accurate and comprehensive voter list was seen as an opportunity by the new Government to expand the use of a reliable national ID system to improve services more broadly. This fit well with its overall commitment to the enhanced use of information technology to improve public services. It was recognized that an accurate, comprehensive and reliable ID system could support more effective targeting of social programs and other transfers, as well as provide a new foundation for interactions between citizens and the State. Moreover, such a system could have a range of private sector applications as well facilitating such services as mobile phones and banking transactions. Though not initially intended to perform such functions, there is intense demand to use the voter ID cards which emerged from the sound voter registration procedures, demonstrating the strong demand for proper identification in many spheres of life.
- (f) Building on the success of the voter ID system, the Government decided to entrust the Bangladesh Election Commission to develop a full-fledged National Identification

System on the foundation of the voter database. This system is to be utilized to provide verification services to core public and private sector services. A National ID and Registration Act was adopted in early 2010 which provided the legal framework for the NIS including the designation of a National ID and Registration Wing (NIRW) within the BEC with authority to administer the NID System.

- (g) A full-fledged NID system is expected to bring several benefits. The verification capacity of a system will counter leakage in the provision of a wide range of government benefits, particularly in the large number of social protection programs run in Bangladesh. Unique identification of citizens will allow all public service entities to build and maintain much more reliable databases regarding recipients which in turn will provide better grounds for policy making, targeting of benefits, and record-keeping in general, such as land cadastres. Enhanced ID cards with chips will be able to be utilized directly in delivery of benefits further guarding against leakage and improving targeting.
- (h) In addition, private sector service providers will have reduced transaction costs due to greater reliability and efficiency in identifying clients, maintaining their own databases of customers, and fulfilling know-your-customer legal requirements. Businesses note that the ability to build better databases of customers using their services has further business applications as well as providing for better internal controls. Finally, as evidenced by the success of the existing simple voter ID cards, the distribution of quality ID cards and use by entities of a database that reliably identified persons, is a tangible measure of recognition of individuals by the State and contributes to increased confidence among citizens in the State.

2. Objectives

- (a) The Project Development Objective (PDO) is to establish an efficient, secure and reliable national ID system in Bangladesh that serves as the basis for more efficient, fair and transparent service delivery and further e-governance reform.
- (b) To achieve this objective, the Project will support the second phase of Bangladesh's effort to build a National ID scheme based on the existing voter lists. Therefore, the Project will support the Government in issuing ID cards with robust security features, developing capacity to provide identity verification services, and developing capacity over the longer term to begin to integrate the new ID system into a wide range of both public and private services.

3. Rationale for Bank Involvement

- (a) The proposed project contributes to the Borrower's higher-level objectives, envisaged in the National Strategy for Accelerated Poverty Reduction (NSAPR) II, the home-grown, comprehensive national development strategy for FY 09-11. In particular, the

Project directly contributes to ‘introducing e-governance in government bodies to combat corruption and provide more efficient services’ Enhanced transparency and accessibility of public services through verification of National ID of potential service users can significantly strengthen service delivery mechanisms and improve overall trust of society for better governance.

- (b) The World Bank Country Assistance Strategy (CAS) for FY 11-14 recognizes that weak governance in Bangladesh continues to pose challenges for the nation’s economic growth and social development. The CAS emphasizes the need to capitalize on opportunities for governance improvements through strong support government-owned initiatives such as Digital Bangladesh and the implementation of a Right to Information regime. A project to establish a robust, authoritative National ID system to underpin increased efficiency, inclusiveness, and transparency of services corresponds to this approach to addressing governance challenges in Bangladesh. The National ID system can thereby also contribute to enhanced effectiveness of other Bank projects to improve targeting of social services and facilitating private sector transactions.
- (c) There is a strong commitment in developing a more robust National ID System among a broad range of counterparts. The Prime Minister and senior officials from the Prime Minister’s Office have stressed the importance of developing the system and welcome the Bank’s financing. The Bangladesh Election Commission (BEC) has exercised strong stewardship of the existing system and has demonstrated strong desire to carry out the improvements envisaged in this project. Other public agencies involved with Digital Bangladesh and/or collection of biographic data have committed to work with the National ID System to be housed in the NIDW. An Inter-ministerial committee on e-governance and information sharing has been established and the Prime Minister’s Office has set up a task team to coordinate and facilitate the overall implementation of e-governance.

4. Description

Project Components

Component 1: Regulatory, Policy Framework for the National Identification System and Integration into Service Delivery (US\$ 4.59)

This component will support the regulatory framework governing the issuance and updating of identification numbers and the compilation, maintenance, and utilization of the data associated with the identification system. It would involve two sets of activities: strengthening the legal and policy framework for the NID system housed in the NIDW, and providing an operational framework for the use of the NID system by other entities.

- *Legal and Policy Framework for National ID System*

The 2010 National ID and Registration Act provides a high-level framework for the BEC, through the establishment of an independent National ID Wing, to maintain a national identification system. While this provides a sound foundation, the operation of the NID system requires far more detailed regulations which would regulate issues of privacy, access to the information in the NID system by different categories of potential users (including the full range of government agencies), and overall security of the system. The Act does not establish rules for how the NID system should be used which may lead to inconsistencies as various public agencies seek to mandate use of the existing NID system and cards as part of their own service delivery.

The Project will provide technical assistance to BEC and other relevant agencies in drafting NID regulations to address these issues. NID regulations will cover operation of the NID system and its use for verification of identity. This scope reflects the BEC's mandate, which is limited to handling the issuance of NID cards and maintaining the NID database and verification services. At the same time the BEC expects to have privacy and security issues involving the NID addressed in a manner consistent with its own regulations in legislation applicable to the entire Government. It will ensure this harmonization through continuing cooperation with other entities involved with e-governance and the inter-ministerial committee on information policy.

- *Integration of the National ID system into management of service delivery in select agencies*

This subcomponent will provide technical assistance, advisory services, capacity building, and limited equipment to agencies outside the BEC in order to identify and prepare business processes and supporting software systems to utilize the NID system. Such assistance would focus primarily on having a streamlined system for incorporating verification of identity as is needed for the purposes of the selected agencies. It also will assist in the development or upgrading of database systems in these service providers based on integrating the unique ID numbers for greater reliability, consistency, and comprehensiveness.

The BEC will oversee a 'NID Service Fund' to deploy packages of assistance as per agreed-upon action plans for integrating usage of the NID system. The allocation of the proposed NID Service Fund will be determined by the Project Steering Committee and administered by the NIDW on the basis of agreed-upon action plans. Assistance will be limited to the setting up of systems and not ongoing maintenance.

This component will also ensure linkage of the NID system with the digital birth and death registration systems being operated by the Local Government Division and the national population registry in the Bangladesh Bureau of Statistics. The BEC and the Local Government Division are expected to develop protocols whereby data from birth and death registration system is shared with the National ID system. At the same time, the National ID system would assign a unique national ID number at the time of registration of birth which would be reflected in the birth registry and on certificates.. Numbers will be generated automatically through the

NID system and transmitted to local government registrars of births in the field. All three agencies have agreed on modalities for sharing of information and ensuring the sharing of data.

Component 2: Operation and Management of the National Identification System (US\$140.54)

This component will design and implement the operational facilities to implement the NID system. This will include procurement of hardware, software, design consultancies and management services for all the IT facilities of the NIDW.

- *National ID Database, Datacenter & Disaster Recovery Center (DRS)*

The maintenance of an accurate, comprehensive citizens' identity database and operation of a reliable and secure data center and disaster recovery center are the backbone of the NID system. The project will build on the work conducted to create the current electoral voter database of 87 million and subsequent de-duplication and cleansing efforts. It will address two major issues in the database through a process of confirmation of data among citizens. First, the confirmation of data will include better quality of photographs and fingerprints in order to allow for better ID verification both on-site and off-site. Second, it will introduce birth registration numbers into the categories of information maintained in the database to allow for data linkage between the two systems. The confirmation process may also add other data fields as part of a consolidated effort to gather data regarding citizens relevant for databases outside of the biographical information requirements of the NID system (e.g. data relevant for social protection programs). Such additional data would not be maintained by the NID system.

The project will also support the secure physical housing of the NID system data. The NID database will be housed in and managed at the data center of the Bangladesh Computer Council (BCC), the only tier-three data center in country, while the disaster recovery center will be located in the NIDW office. This will ensure the highest level of security and functionality available in country. In addition, the Project will finance installation of a stand-alone tier three data center to which the data recovery center will be transferred, when the Government completes its planned Election Center. All works are expected to be completed by 2015.

- *ID Card Production and Distribution to Citizens*

The Project will finance replacing the current laminated voter ID card with a card with more robust security features. This replacement is required in order to counter the current widespread practice of using fake and forged ID cards. With verification often occurring by simple physical examination of cards, the need for a more secure card is significant. The ID card design will affect many aspects of NID system, including total project costs and utility of national ID card in society. The project will follow the recommendations¹ of the government-wide national ID Card Design Committee consisting of representatives of BEC, LGD, BBS officials and other local experts.

¹ Please see the Annex 7 for detailed recommendations

The project will distribute ID cards in two phases. All citizens will be called to BEC *upazila* offices twice: once to confirm information and provide biometric data (fingerprints) and in many cases to provide a new photograph (Phase 1), and a second time to collect the NID card (Phase 2). The final distribution strategy will be subject to a number of factors which need to be assessed conclusively through pilot tests, as they could make a crucial difference in the risk level, cost and success of the entire NID program. These are primarily (i) rate of required modifications to demographic data for NID purposes; (ii) rate of mismatches between live fingerprints and voter list data base; (iii) rate of new photographs required, and (iv) decentralized rate of demographic data updates requiring offline adjudication.

- *Data communications network*

A reliable data communications network linking the NID data center at the BCC, NIDW Office with databases of all line ministries and those of private service providers as well as with all *upazila* server stations is critical for successful operation of the NID system. In particular, the decentralized enrollment or updating of citizens' information in the NID system, replacement and distribution of new ID cards, verification for service agencies and gateway to other agencies all require a functional, real-time data communications network.

The Project will support the preparation of a detailed network design taking into consideration the standard operating procedures of NID. The detailed network plan will determine how best to integrate exclusive government cable lines, internet service, and the virtual private network which will be used for connecting the NID database with various points around the country.

- *Business Process Management*

This project subcomponent will review and, if necessary, revise the specific NID operating procedures to develop an integrated business process management software and system. The operating procedures to be developed will encompass all key functions, including:

- registering and updating data for the NID system at *upazila*-level election offices,
- NID card production and distribution at the ID Card production site,
- monitoring and regulating e-ID verification services at the data center, and
- administering financial flows from service fees from users at the NIDW Office.

Component 3: Capacity Building, Communication Program, and Overall Project Management (US\$ 36.42)

This component will develop the capacity of the newly established National Identification Wing (NIDW) of the BEC to develop and manage the human and financial resources necessary for the sustainable operation of the NID system. This will also provide a comprehensive communication program and overall project management support.

- *Comprehensive capacity building program for the newly established NIDW*

The Project will finance a comprehensive Implementation Support Consultancy which will bring a number of experts on various aspects of the NID System on a long-term residency basis. They would be paired with government officials who would be newly recruited into the NIDW. This long-term pairing arrangement is considered as one of the most effective capacity building arrangements. Key personnel to be included in the ISC are a principal advisor to the General Director of NIDW, a chief operation officer in charge of ID card production and distribution, a chief technology officer in charge of database and other IT issues, a chief administration/finance office, chief communication officer and chief procurement officer. In addition to pairing advisors with these key personnel, the consultancy will provide overall management support and capacity building to the NIDW

At the upazila level, the Project will finance local project consultants in each upazila office to complement BEC officers to handle ID data update, ID card replacement, and other routine NID tasks. The project, on average, will finance three project staff (two work station operators and one IT manager) while a number of large size upazilas will have more project staff proportionally. Recruitment of project staff for each upazila will be delegated to the district election office as they are well positioned to understand the market for necessary skill sets and recruit and deploy project staff to upazila under its jurisdiction.

A major component of capacity building will be technical assistance to plan for the long-term financial and institutional sustainability of the NID system. This assistance would focus on legal arrangements to retain key staff, sustain service orientation, and implement more complex financial management systems involving substantial revenue flows from services. While there will be no changes in the institutional arrangements for at least the life of the project, options for continuation as is or other arrangements such as spinning off of the ID function from the BEC will be examined. The Government is committed to provide the NIDW a necessary management flexibility to sustain the complex nature of NID office.

In addition, there would be a number of training and twinning arrangements during the project to bring first-hand experience from practitioners of NID systems in other developing and developed countries.

- *Change management and communications*

An effective change management and communication program is of critical importance in managing citizens' expectations on NID and in mitigating uncertainty of NID card replacement schedule during the Project. Citizens should be sufficiently informed and convinced of the value of having new ID cards and the NID office should be able to communicate with citizens in a comprehensive and timely manner. The Project will finance a comprehensive communication program by hiring a consortium of professional communication firms. The NIDW would have a Communication Officer in its structure and the Project will finance a long-term advisor to implement communication activities including the mass communication campaign.

5. Financing

Source:	(\$m.)
BORROWER/RECIPIENT	24.2
International Development Association (IDA)	194.26
	Total 218.46

6. Implementation

- (a) ‘Building sustainable capacity to manage NID system within implementing agency and mitigating operational and fiduciary risks of complex ICT management’ is the guiding principle of the institutional and implementation arrangement of the Project. The Project will be implemented by the National ID and Registration Wing of the BEC, with close technical partnership with the Local Government Division (LGD) and the Bangladesh Bureau of Statistics (BBS) of the Planning Commission.
- (b) A Project Coordination Committee (PCC) will be the highest body that will provide strategic policy guidance and oversee project implementation. The PCC will be chaired by the Chief Election Commissioner, and include the secretaries of BBS and LGD. The NIDW will serve as a secretariat. The committee will meet annually to review progress of the overall project, according to the M&E framework included in the Project Appraisal Document and ensure successful implementation.
- (c) Except for the PCC, the Project would not have any project implementation unit. The head of NIDW (rank of Director General) will serve as the Project Director for the IDEA project as well as on-going PERP project. This ‘three in one’ arrangement is expected to ensure full integration of both projects into NIDW’s operations and reduce administrative burdens significantly. Financial management, procurement, monitoring and evaluation, public campaigns and other routine activities of the project office will be carried out by the relevant sections in NIDW.
- (d) Given that the Project has a large share of highly specialized ICT investments and BEC’s currently weak procurement and management capacity in ICT investments, a professional contract management firm will be hired to manage entire tendering process, provide quality control services during implementation of such contracts, and provide ongoing capacity development for NIDW.

7. Sustainability

- (a) The Project acknowledges that the sustainability of ID projects is often compromised by unrealistic timeframes, insufficient training, and technology choices which are inappropriate to the country context. This substantial risk exists in this project as maintaining a complex institution and the ICT aspects of NID system would require highly skilled professionals which the current civil service system in Bangladesh has often found difficult to recruit and retain.

- (b) In addition, the fact that NID operation is not the main objective of the BEC, which NIRW belongs to, needs to be factored into when assessing Project's sustainability. The BEC, being outside of government agency constitutionally, may limit NIDW's capacity to convince other agencies to use the NID in their own service delivery systems. Though the BEC is considered the right organization to introduce the NID system through rather autonomous NIDW, the long term institutional arrangement of NI operation needs to be seriously discussed and locally feasible solution found at the early stage of Project.
- (c) One of the mitigation measures is the proposed financial and institutional autonomy of the BEC. It is expected that service fees that BEC collects through verification services to service agencies will be retained within BEC for maintenance of professionals and ICT system, once verification service is on track and will be financed by the Project. This would allow BEC to pay staff at market rate and outside of the regular civil service and to invest in ongoing operations, particularly maintenance and upgrades of its hardware and software.
- (d) In addition, the BEC is a body which is guaranteed independence from the rest of Government by the Constitution, which provides it with substantial autonomy and protection from outside influence. The National ID Act endows it with independent authority to manage the ID system. Though there remains a risk that this autonomy might be undermined in the appointment of commissioners by the executive, the current Commission is widely considered to be professional and objective in carrying out its functions and there are incentives and institutional expectations that the executive will not change the Commission's composition to undermine this achievement, which added to the legitimacy of the current ruling party's prior electoral victory.
- (e) Moreover there is widespread recognition of the utility of an NID system and hence incentive to sustain it. A key juncture will be when the term of the current set of Commissioners ends in 2012. The BEC has greater authority than regular Government agencies in the selection of civil service staff. This has allowed the BEC to retain capable and dynamic officers and resist frequent rotation of such officers, a phenomenon often observed in other Government ministries and departments in Bangladesh.

8. Lessons Learned from Past Operations in the Country/Sector

- (a) The World Bank to date has accumulated rich and diverse experience and knowledge in supporting various e-governance reforms around the world, though the World Bank has rather limited investment projects specifically for building a National ID system. Thus the Project reviewed various analyses to digest the Bank's e-governance experience as well as analyzed closely on-going National ID system development in neighboring

countries, such as India and Pakistan. The Project identifies the following as major lessons to consider and reflect in the project design and implementation arrangement.

- (b) Information-and-ICT initiatives are political and it is especially so for a National ID system. Control over sensitive information contained in the National ID database has always been a form of power and contention. A number of countries rejected the government's initiative to develop a unique ID system for its citizens according to the argument of privacy and political manipulation. The Project, therefore, grounds its design and implementation arrangement in a good understanding of local political context. The BEC has demonstrated a high degree of nonpartisanship as well as competence, most notably in the compilation of the voter registration lists upon which this project is based. Its track record was the basis for it serving as the institutional home for the NIDW. There has been clear communication with the Prime Minister's Office to ensure that the NID system is insulated from political usage. The project also explicitly addresses questions concerning information security and ensuring adequate privacy controls through (i) regulatory measures fully under the control of the Implementing Agency and hence quickly implementable and (ii) mandating cooperation with broader e-governance efforts.
- (c) A national ID system will not succeed unless it is utilized for relevant and useful services. Merely 'plugging in' National ID number and providing a new ID card to citizens would change little in the way the public and private sectors provide services and interact with citizens. The Project plans to provide an authentic verification service to (two/three) service agencies to demonstrate the value of NID system in policy formulation and targeting and the verification of service provision. It will have an NID Service/Innovation fund to provide necessary technical assistance to service providers in order to allow their data systems utilize the NID system efficiently.
- (d) Lack of coordination can lead to duplication of efforts, incompatibility of technical solutions and compromise sustainability. Countries often develop National ID systems parallel to other database such as passport and tax identification, severely limiting NID's utility in providing authentic verification service. Given limited financial and human resources often present in developing countries, duplicated, and expensive-to-maintain databases often compromise sustainability of the project. This lesson has been built into the Project by ensuring coordination among relevant stakeholders responsible for National ID, birth registration, and census and national population register. In addition, the inter-ministerial Committee on Information Sharing will play an important coordination role during implementation.
- (e) Harnessing National ID System requires awareness building and constituency building in the country. The NIDW of BEC is astutely aware of the needs for mass communication for rolling out NID system in the country. A comprehensive communication strategy has been developed by BEC in close consultation with broad stakeholders. A consortium of professional communication firms will be procured to support BEC in building awareness and in managing citizens' and service agencies' expectation during the project.

9. Safeguard Policies (including public consultation)

Safeguard Policies Triggered by the Project	Yes	No
Environmental Assessment (OP/BP 4.01)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Habitats (OP/BP 4.04)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pest Management (OP 4.09)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indigenous Peoples (OP/BP 4.10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Physical Cultural Resources (OP/BP 4.11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Involuntary Resettlement (OP/BP 4.12)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Forests (OP/BP 4.36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Safety of Dams (OP/BP 4.37)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Projects on International Waterways (OP/BP 7.50)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Projects in Disputed Areas (OP/BP 7.60)*	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. List of Factual Technical Documents

Master Plan for the National IS system, the Bangladesh Election Commission

The Aide Memoire and technical annexes of the World Bank Pre-Appraisal Mission, October, 14, 2010

11. Contact point

Contact: Junghun Cho

Title: Sr Public Sector Spec.

Tel: 5764+4212

Fax: (880-2) 8159029-30

Email: jcho@worldbank.org

Location: Dhaka, Bangladesh (IBRD)

12. For more information contact:

The InfoShop

The World Bank

1818 H Street, NW

Washington, D.C. 20433

Telephone: (202) 458-4500

Fax: (202) 522-1500

Email: pic@worldbank.org

Web: <http://www.worldbank.org/infoshop>

* *By supporting the proposed project, the Bank does not intend to prejudice the final determination of the parties' claims on the disputed areas*

