

SUSTAINABLE DEVELOPMENT AND PUBLIC-PRIVATE PARTNERSHIP LEGISLATION

A Technical Review of Domestic Legislation
in 18 Countries in Sub-Saharan Africa

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Executive Summary

This study examines whether legislation governing Public-Private Partnerships (PPPs) in a sample of non-OECD countries in Sub-Saharan Africa aligns with the principles of effective governance set out in the Addis Ababa Action Agenda¹ ('Addis Agenda') – the aim of which is to enable financing for development in pursuit of globally agreed Sustainable Development Goals.²

The framework for this study is based on nine principles for the effective governance of PPPs extracted from the Addis Agenda in the UNDESA Working Paper - 'A Scoping Study of PPP Guidelines'.³ We developed a set of 47 indicators based on these principles. We then categorised a sample of PPP laws according to the indicators. The resulting data set reveals interesting insights about PPP laws and their alignment with the principles inherent in the Addis Agenda.

The research indicated that:

- Principles with the most extensive representation included criteria and structure of blended finance instruments,⁴ risk sharing,⁵ accountability,⁶ transparency and contracts,⁷ and to a lesser extent, effective management.⁸

¹ The final text of the outcome document adopted at the Third International Conference on Financing for Development (Addis Ababa, Ethiopia, 13–16 July 2015) and endorsed by the General Assembly in its resolution 69/313 of 27 July 2015. Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Agenda).

² UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, 21 October 2015.

³ Motoko Aizawa, 'A Scoping Study of PPP Guidelines' (Working Paper No 54, United Nations, Department of Economics and Social Affairs, 2018) 3.

⁴ Ibid 9.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

- Principles with the least representation include social and environmental standards,⁹ sustainable development,¹⁰ participation¹¹ and alignment with national development strategy/development cooperation.¹²
- The content of the legislation largely focuses on transactional aspects, especially with regards to the relationship between public and private partners.

There is scope for further research, pending the incorporation of further jurisdictions in the sample. This could include analysis of:

- whether legislation enacted after the Addis Agenda was signed contains more detail or greater alignment with the principles;
- whether there is a correlation between legislative detail and/or alignment with the principles and the country's stage of development and if so, what is the correlation? And,
- the effect of different instruments used – such as legislation, policy documents and/or guidelines – on the level of detail and/or alignment with the principles.

There were notable legislative gaps regarding several indicators corresponding to sustainability dimensions of PPPs expressed in the principles. The sample analysed contained no provisions pertaining to the following indicators:

- indigenous peoples
- assets' resilience to climate change
- time restrictions.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

1 Public-Private Partnerships

There is no singular, universally-accepted definition of Public-Private Partnerships. Along a continuum of public and private infrastructure financing modalities, PPPs exist somewhere in the middle.¹³ Key actors in this space assign divergent meanings to the term resulting in a range of definitions from the very broad to the very narrow.¹⁴

Regardless of the definitional complexity surrounding PPPs, Aizawa has identified certain core features common to PPP projects which we have adopted for the purposes of our project:¹⁵

- *a long-term contract between the public contracting authority and the private sector company for procurement of services...*
- *the transfer of risks to the private sector, notably with regard to designing, building, operating and/or financing the project*
- *the specification of project outputs rather than inputs*
- *the application of private financing, and*
- *payments to the private sector for services delivered.*

¹³ Ibid 12.

¹⁴ Graeme A Hodge and Carsten Greve, 'On Public-Private Partnership Performance: A Contemporary Review' (2017) 22(1) *Public Works Management & Policy*, 55, 56-7.

¹⁵ Aizawa, above n 12.

2 Background

The 2030 Agenda for Sustainable Development ('2030 Agenda'), which took place in 2015, sets out global priorities for sustainable development in the form of 17 Sustainable Development Goals ('SDGs'). Following this Agenda, 193 states convened for the United Nations Third International Conference on Financing for Development and agreed to the Addis Ababa Action Agenda ('Addis Agenda').¹⁶ The Addis Agenda highlights the need for 'sustainable and resilient infrastructure' as a prerequisite to the achievement of the SDGs.¹⁷

Infrastructure is critical for economic development, reducing poverty and inequality, creating jobs, and ensuring environmental sustainability, with the provision of infrastructure an integral responsibility of government and part of the 'social contract between a government and its citizens'.¹⁸ PPPs represent one tool available to governments in addressing the infrastructure gap.¹⁹ PPPs are touted as a way to 'foster new solutions and bring finance', by combining the skills and resources of the public and private sectors and allowing the sharing of risks and responsibilities.²⁰

Because of the PPP's model increasing popularity globally, if there is strong regulatory framework in place that encourages and encompasses the principles of sustainable development, we can leverage the PPP phenomena to provide for the social and environmental dimensions of sustainable development through the PPP projects that are being undertaken. However, for PPPs to live up to their potential as a means of striving for the SDGs, they need to employ a stronger focus on public

¹⁶ The United Nations Department of Economic and Social Affairs (UNESA), *Addis Ababa Action Agenda of the Third International Conference on Financing for Development*, (July 2015).

¹⁷ Aizawa, above n 8.

¹⁸ Liesbeth Casier, *Why Infrastructure is Key to the Success of the SDGs (9 September 2015)* International Institute of Sustainable Development <<https://www.iisd.org/blog/why-infrastructure-key-success-sdgs>>.

¹⁹ The Addis Agenda estimates that the annual infrastructure gap in developing countries is between \$1 trillion to \$1.5 trillion dollars, including deficiencies in transport, energy, water and sanitation infrastructure. UNDESA, *Addis Ababa Action Agenda of the Third International Conference on Financing for Development*, 2015, 8 [14].

²⁰ World Bank, <https://ppp.worldbank.org/public-private-partnership/about-public-private-partnerships>.

governance and public benefit.²¹ Hence, our project investigates if at the PPP laws in respective jurisdictions perform the function assigned to them with regards to the principles found in Addis agenda or they do they largely remain unimpacted by SDGs.

²¹ Aizawa, above n 2, 8.

3 Scope

3.1 The Data Set

The World Bank lists 147 jurisdictions with distinct PPP legislative schema.²² For practical reasons, we have limited our analysis to those jurisdictions that have legislation drafted in English or available in English translation.

We have also removed all OECD countries as wanted an analysis in large part centred on the effect and strength of the PPP legislations themselves. We considered that countries with significantly advanced economies, such as countries in the OECD, probably already have strong regulatory frameworks for investors which contribute materially to the success of PPP projects. Which may overpower the effect of PPP legislations.

We grouped the remaining non-OECD countries with legislation available in English, by World Bank Regions, as illustrated in the following table.²³

World Bank Country and Lending Region	Number of Countries with legislation available in English
Sub-Saharan Africa	18
East Asia and Pacific	17
Europe and Central Asia	17
Latin America and the Caribbean	6
Middle East and North Africa	6
South Asia	5

Figure 1: Number of Jurisdictions by Geographical Regions

²² World Bank Group, Public-Private Partnerships Laws / Concession Laws (23rd September 2018) <<https://ppp.worldbank.org/public-private-partnership/legislation-regulation/laws/ppp-and-concession-laws>>.

²³ World Bank, *World Bank Country and Lending Groups* <<https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>>

Africa as a region fits the mould of an emerging region with developing economies that could potentially benefit from an analysis of their PPP laws. The Addis Agenda itself also recognises diverse needs and challenges faced by the African region.²⁴

Hence, for this project, we have focused on the Sub-Saharan African group of countries,²⁵ to be our starting point for analysis. There is scope for the analysis to be expanded to other regions in future.



Figure 2: Countries Included in the Data Set

²⁴ The United Nations Department of Economic and Social Affairs (UNESA), *Addis Ababa Action Agenda of the Third International Conference on Financing for Development*, (July 2015)13-4.

²⁵ The following countries make up the sample used in this project:
Botswana, Burkina Faso, Côte d'Ivoire, Ethiopia, The Gambia, Ghana, Kenya, Liberia, Malawi, Mauritius, Nigeria, Rwanda, Seychelles, Sierra Leone, Somalia, South Africa, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe.

4 Research Methodology

This section outlines the principles and sub-principles that we have identified in developing the framework of the legislative database (4.1.1 to 4.1.9). It describes the procedures employed for data management limitations and potential for future use.

4.1 The Addis Principles and Indicators

The initial research areas for this project were extracted from nine principles for effective governance of PPPs set out in the Addis Agenda. They are as follows:

1. Careful consideration given to the structure and use of blended finance instruments;
2. Sharing risks and reward fairly;
3. Meeting social and environmental standards;
4. Alignment with sustainable development, to ensure “sustainable, accessible, affordable and resilient quality infrastructure”;
5. Ensuring clear accountability mechanisms;
6. Ensuring transparency, including in public procurement frameworks and contracts;
7. Ensuring participation, particularly of local communities in decisions affecting their communities;
8. Ensuring effective management, accounting, and budgeting for contingent liabilities, and debt sustainability; and
9. Alignment with national priorities and relevant principles of effective development cooperation.²⁶

We broke these principles down into indicators and developed a database in which to input corresponding legislative provisions. What follows is an elaboration of the indicators that we developed from the nine original Addis Principles.

²⁶ Aizawa, above n 9.

4.1.1 Principle 1 – Careful Consideration Given To The Structure And Use Of Blended Finance Instruments.

This principle prompts an investigation of the structure of PPPs (a type of blended finance instrument) and the circumstances in which they are deemed appropriate.

We used the following metrics as indicators that appropriate consideration has given to the use of PPPs in a particular jurisdiction.

Indicator 1.1. – Does The Legislation Include A Definition Of Ppps?

We asked whether the legislation included a definition of PPPs. As acknowledged, there is no consistent, international standard for naming and describing the different kinds of contracts that PPPs may fall under.²⁷ Still, we considered that any attempt that delineating the features of PPP, to be an indicator that a jurisdiction has considered the question of appropriateness and regulations. We were permissively broad with this section allowing any definition of PPPs, given that is it the attempt at definition that indicates rather than the definition itself.

Indicator 1.2 – Specified Body For Approving PPP Projects

We asked if there was a body vested with responsibility for approving PPP projects. An approval body is a strong indicator that there is consideration to the use of PPPs. Usually, there will be guidelines and regulatory frameworks that accompanies the approval responsibility used by the body, whether that is in the legislation itself or not.

Indicator 1.3 – Specified Procedure / Approach For Use Of PPP

We asked if the legislation specified a procedure/approach for the use of PPPs. This is a broad indicator and we would be looking to see if the legislation mandated procedures such as establishing different project units, special project vehicles or

²⁷ Hodge and Greeve, above n 14, 56-7.

use of a particular fund. Potentially the legislation would also provide macro guidelines such as specifying stages or PPP project cycles with obligations at each stage. The different legislation would likely have varied terminology and their own preferred procedures or approaches. Hence, as long as there is a specified procedure as to the use of PPP, we have included it regardless of its specific content.

Indicator 1.4 – Criteria For Determining The Suitability Of Ppps

We asked if there were any set criteria for determining the suitability of PPPs, such as the requirement to undertake feasibility studies within the legislation. Criteria of suitability can be standalone e.g. in the form of guiding principles or purposive provisions or they can be mandated in a feasibility study. Common criteria used can be value for money provisions, affordability testing, capacity of the contracting authority to effectively enforce the agreement and demonstrate comparative advantage in terms of strategic and operational benefits for implementation under a public-private partnership agreement.

Indicator 1.5 – Specifies Government's Role In PPP Projects

We looked for provisions specifying the respective roles of government. This is also a fairly broad indicator with variance between the various jurisdictions. Government can legislate to define their roles however they wish. They may choose to give themselves various powers and duties in the implantation of the PPP project.

Indicator 1.6 – Specifies Private Sector Role In PPP

We considered provisions that specified the role of the private investor to indicative. What are the responsibilities that the private entity has with regards to the project? This can likely be found within the PPP contract itself, otherwise it would be captured in the legislation.

Indicator 1.7 – Specifies Outcomes For PPP Outcomes

We considered if there are any requisite outcomes for the PPP project. However, a specific output likely would not be phrased quantitatively given the different type of projects that PPP covers. Goals and objectives specify would hence cover more aspirational mentions e.g. modernize infrastructure, increase efficiency and improve delivery of services.

Indicators 1.8–1.10 – Any Restrictions That The PPP Imposes

We considered whether there were limitations or restrictions on the use of PPPs, such as time, monetary or sector limitations. This tends to indicate that a PPP is meant to address a need or meant for a particular purpose.

4.1.2 Principle 2 – Sharing Risks And Reward Fairly

This principle considers if the legislation addresses a risk allocation and benefits which is a key element of PPPs.

Indicator 2.1 – Requires Specific Risk Allocations

Here we looked for examples in the legislation of specific risk allocation (for example, guarantees, loans, subsidies, tax breaks, customs exemptions, waiver of competition laws or ensuring a security interest).

Indicator 2.2 – Requires Specific Benefits Sharing

We also looked for examples of benefit sharing schemes from the government body to the private investor. Benefits are usually distributed from the government to the investor through payment from revenue funds. However, benefits may be provided to the investor in other forms such as through user levies or revenue generated from the project.

Indicator 2.3 – Certain Risks Allocated To Government

We considered whether specific risks were allocated to the public partner. This indicator deals with specific situations that the government ought to be liable for. Potentially, this can encompass situations in which governments should be responsible for their functional competence such as providing resources to the private party in supporting the project.

Indicator 2.4 – Risks Allocated To Party Best Able To Manage Them

The indicator is with regards to the principle of risk sharing whereby the party best suited to bear a particular risk should do so. We have inputted the provisions into our database if they captured this principle, using this phrase or the equivalent words.

Indicator 2.5 – Termination Provisions

Termination provisions whether they provide for the end of the project life-cycle or otherwise go towards question of risk allocations. Who bears the risk and penalties in the event of termination and under what circumstances. Hence, we also included any provisions pertaining to contract termination in this section.

4.1.3 Principle 3 – Meeting Social And Environmental Standards

This principle deals with social and environmental standards being captured in the PPP legislations. Likely, this principle would not be the primary focus of PPP legislations generally and hence we have adopted a permissively broad approach for this principle.

Indicator 3.1–3.3 – Environmental/Health/Safety/Labour Laws And Regulations

Under these indicators, we looked for any reference in the PPP legislation to environmental/labour/health and safety laws or regulations. Because of the scarcity of provisions dealing with such issues there we have included any mention of environmental, labour, health or safety regulations even if they are aspiration and not substantive.

Indicator 3.4 – Laws On Indigenous Peoples

We considered if there were any laws dealing with indigenous peoples in relation to PPP projects. Any mention/reference would trigger an inclusion in our database.

Indicator 3.5 – Rights Of Community (Compensation/Resettlement)

Does the PPP legislation confer or reference any rights to the communities affected by PPP projects? Potentially, such rights may be captured in other pieces of non-PPP legislation.

Indicator 3.6 – Reference To International Standards

We considered if the legislation deals with or references any international standards specifically or generally. The international standard however must pertain to social and environmental standards.

Indicator 3.7 – Reference To Social Outcomes

We considered if the legislations provided for any desirable social outcomes. For example, this can be in the form of participation and non-discrimination provisions. Governments could also consider preference to a particular set of peoples to encourage social outcomes.

4.1.4 Principle 4 – Alignment With Sustainable Development, To Ensure Sustainable, Accessible, Affordable And Resilient Quality Infrastructure

This principle includes legislation that identifies sustainable development as an outcome/objective of the PPP, and legislation that mentioned environmental or social considerations at the procurement stage. We looked for provisions that mentioned accessibility or affordability of services, and any mention of assets' resilience to climate change.

Indicator 4.1 – Sustainable Development As An Outcome

This indicator includes legislation that identifies sustainable development as an outcome/objective of the PPP.

Indicator 4.2 – Accessibility And Affordability

This indicator deals with the requirements and regulations if any of the legislations in making the outputs of the PPP project accessible or affordable. If the regulations consider these criteria, we would consider it an indicator of sustainable development.

Indicator 4.3 – Assets’ Resilience To Climate Change

This indicator considers if the regulations mandate a need to consider climate change factors in undertaking the PPP project or any requirement of the asset deliverables to be resilient to climate change.

Indicator 4.4 – Environmental And Social Sustainability Considerations In Procurement

This indicator is with regards to any kind of environmental and social sustainability concern found within the legislation. We adopted a wide scope for environmental and social considerations and have opted for inclusion to ensure that any mention of environment and social elements of the legislation is captured in the data.

Indicator 4.5 – Local Labour Upskilling Requirements

We included requirements to employ or upskill local labour under this principle. The kinds of preference, including margin of preferences given to bidders and the various regulatory incentives or penalties in undertaking upskilling would be considered under this category.

4.1.5 Principle 5 - Ensuring Clear Accountability Mechanisms

This principle deals with accountability mechanisms and considers if the surrounding legislation provides for these.

Indicator 5.1 – Specified Body For Ensuring Accountability

Here we included legislative provisions that designated a specific body for ensuring accountability as we considered that it indicates the presence of accountability framework.

Indicator 5.2 – Provisions Pertaining To Inspection, Monitoring And Reporting

These indicators include provision dealing with mandatory requirements with regards to inspection, monitoring and reporting. This indicator may also comprise the legislation granted powers to certain units in order to achieve inspection, monitoring and reporting.

Indicator 5.3 – Contract Management Team

This indicator considers the contract management framework in place for the implementation phase of PPP projects. We included provisions detailing requirements for contract management teams, which are not limited to specifically a contract management team. Any management agency or project management officer would fall under this indicator.

Indicator 5.4–5.6 – Grievance Mechanisms

These indicators consider if there were any framework or specified mechanism for dispute resolution for different parties such as the affected communities, consumers or the private partners. Examples of such processes could be mediation, good faith clauses or arbitration in a particular jurisdiction.

4.1.6 Principle 6 – Ensuring Transparency, Including In Public Procurement Frameworks And Contracts

For this principle, the focus is on ensuring transparency, particularly in the procurement process. We considered if the legislation provides for any frameworks to achieve this.

Indicator 6.1 – Principles Of General Transparency

General principles of transparency should be fairly common and aspiration, this indicator, lightly suggests a general commitment to transparency.

Indicator 6.2 – Disclosure/Confidentiality Of Project Documents

We included provisions setting out requirements for public disclosure of project documents (including the PPP contract), and provisions that protect the confidentiality of such documents.

Indicator 6.3 – Disclosure Of Framework For Selecting Investors

Transparency incorporates the disclosure of the framework for selecting an investor, such as legislation detailing tender and bidding procedures. It also incorporates any specified criteria for selecting investors. Overall, there likely would be many variations in frameworks between jurisdictions as countries can set their own.

Indicator 6.4 – Model Contracts

We looked for legislation stipulating that model contracts be developed, or if there were any provisions of model contracts or clauses in the legislation itself.

Indicator 6.5 – Framework For Unsolicited Proposal

This indicator considers if begins by the legal and regulatory framework specifically allows or prohibits the submission of unsolicited proposals. We then considered if there were any procedures for dealing with unsolicited proposals, e.g. evaluative criteria, specific steps to be undertaken or whether a competitive process is required to select for unsolicited proposals partner. If a regulated framework for dealing with such proposals exists and they likely indicate a commitment to transparency.

4.1.7 Principle 7 – Ensuring Participation

Indicator 7.1 – Community Participation Provisions

This indicator captures any provisions relating to the participation of community stakeholders in decision making, particularly of local communities in decisions affecting their communities. If the regulatory framework local involvement or approvals, then it will be captured here.

Indicator 7.2 – Reference To National Laws That Guarantee Rights

The indicator looks at if there were any regulations that guarantee rights of consumers or communities. Rights would be guaranteed in legislations other than PPP laws, but the PPP laws would still mention them.

Indicator 7.3 – Reference Procedural Or Human Rights

We looked at if the regulations consider, mentions or creates any procedural or human rights for those parties specifically affected by the PPP project.

4.1.8 Principle 8 – Ensuring Effective Management, Accounting, And Budgeting For Contingent Liabilities, And Debt Sustainability

Indicator 8.1 – Ensuring Effective Management (Public Authority Responsibility To Manage)

This indicator includes legislation that demonstrates a public authority's responsibility to manage/oversee PPPs as an indicator of effective management and considers inter alia the powers that the legislation gives with respect to the public authority to enforce effective management of project.

Indicator 8.2 – Contingent Liabilities

We considered if there was any detail concerning procedures for addressing contingent liabilities (such as budgeting or financing) and what was required of the public authority to financially plan for contingent events.

Indicator 8.3 – Debt Sustainability By Public Authority

We looked at debt sustainability provisions and any reference to maintaining debt or making a financial plan to ensure that the PPP project can be financed.

4.1.9 Principle 9 – Alignment with national priorities and relevant principles of effective development cooperation

Indicator 9.1 – National Priorities

Here we looked for examples of provisions that apply PPPs in the context of national priorities or development strategies to see if legislations regulate for a prospective PPP project in a broader context to be consistent with other government priorities.

Indicator 9.2 – Effective Development Cooperation

We also reference any provision that details effective development cooperation.²⁸ as well as how to best achieve this standard.

Indicator 9.3 – International Best Practice

²⁸ Development cooperation is elaborated in the Addis Agenda: UNDESA, *Addis Ababa Action Agenda of the Third International Conference on Financing for Development*, 2015 [50–78].

We also include any mention of international best practice in this category, which the legislation may use as a standard of comparison for alignment.

4.2 Limitations

To best utilise the data found in this database, readers should bear in mind the limitations of the data to avoid making erroneous conclusions.

4.2.1 Variation In Classification

The database is designed as a repository of provisions relevant to each of the principles and indicators identified. It can give an overview of where the focus of national PPP legislation is directed. However, there is significant room for variance in classification given that the practice of rendering legislative provisions into discrete data points inherently comes as a matter for interpretation and requires a subjective exercise of discretion in which reasonable minds may differ. We have however tried our best to be consistent in classification in following the methodology.

4.2.2 Number Of Indicators May Not Be Indicative Of The Quality Of Legislation

Comparing the number of provisions dedicated to each indicator can reveal legislative focus, and the absence of provisions for indicators is telling – but the number of provisions alone should not be presumed to be an absolute representation of the comprehensiveness of the legislation. PPP laws and regulations do not exist in a vacuum and there may be many other relevant laws, such as in investment, corporation, taxation, environmental, labour, financial, and sectoral laws which directly or indirectly impact PPPs.

4.2.3 The Focus On What The Legislation Says

Furthermore, this study focuses on the legislation as enacted. It does not analyse the way national frameworks have been implemented nor does it look to individual PPP projects and contracts on a micro-level as a practical source of information. Our project specifically analyses and is limited by what the law says and that we have no empirical data showing how the legislations are practically interpreted, applied, enforced, etc. Exploring the interaction or non-interaction of PPP laws with other laws was beyond the scope of our project.

PPP laws are usually enacted with a view to attracting private investment in infrastructure. This study did not look at this common objective of PPP laws but instead looked at whether the PPP laws can promote sustainable development.

4.2.4 Incomplete Picture Of The Legislation

Our project has an initial focus on Sub-Saharan African as a region, while there are many inputs into the database itself, it only represents a tiny fraction of the global PPP regulatory framework, a small piece of the puzzle. Hence, it would be difficult to make definitive conclusions on macro-level PPP principles given the precise focus on a particular region and small sample size.

The Database also does not represent the complete picture of all existing PPP legislation even in the region given the significant technical limitations that we faced. Many of the regulations were written in their native language with no official translations which required us to exclude them, even if they potentially could have interactions with the known provisions.

We know that the PPP laws and regulations exist alongside many other relevant laws, such as investment, corporation, taxation, environmental, labour, financial, and sectoral laws. We did not have a chance to visit these and figure out how the PPP laws interact (or not) with them.

4.2.5 Reliance on World Bank Database

Given time and resource limitations of our project, we have had to rely substantially on the World Bank Database of PPP laws as the source of our legislation.²⁹ In other

²⁹ World Bank Group, *Public-Private Partnerships Laws / Concession Laws (23rd September 2018)*
<<https://ppp.worldbank.org/public-private-partnership/legislation-regulation/laws/ppp-and-concession-laws>>.

words, if the World Bank missed some companion PPP laws/legislations and guidelines, then these provisions would also be absent from our database.

The data inputs gathered were compiled in a short time frame, the relevant legal and regulatory provisions noted in the report reflect a particular moment in time. Thus, readers should note that the legal situations may have changed.

4.3. Data Management

We are aware that the process of classifying provisions in this manner contains inherent ambiguity and

The database is intended for different users to be able to input data in as it is a labour-intensive task. However, we are also aware of the difficulties in consistencies this creates due to the significant value-judgements involved as we are converting qualitative information into quantitative data points. Some variance is to be expected amongst individuals due to inherent ambiguities of qualitative analysis.

To raise consistency, we developed a standard methodology to classify the provisions and refined it as we imputed more data into the database. The methodology outlines how and why we made the choices we made in undertaking judgement calls during data inputs. All the collaborators have familiarised themselves with and undertake to follow the reasoning of the methodology.

4.3.1 Cross-Checking

Further, to ensure consistency of data classification and entry, the collaborators also cross-checked each other's work. This involved going through the legislation and the database side by side to see if there was any error or second opinion on the classifications of provisions under a particular indicator. If there was any difference of opinion that is unsettled by the methodology then the collaborator would make a note of it into a separate document, to be discussed as a team. This process also further refines the methodology as more data is inputted.

4.3.2 Duplication Of Dual-Purpose Provisions

There are provisions which may fall into multiple categories in the database. For example, a provision simultaneously addresses the need to ensure accountability (Addis Principle 5) and transparency (Addis Principle 6). In this case we have entered the provision in the database under both relevant principles (i.e. the entry is duplicated). This is to ensure that the full effect of provision that might have multiple purposes can be captured by the database.

4.4. Future Use

Future use by other interested parties was in mind when the project was being created. The database and methodology have aimed to provide consistency in data entry so as to be replicable. By recording and categorising provisions according to the indicators relevant to each principle, we hope to identify which issues are addressed or ignored by legislation, in order to draw broad observations and to provide a guide or basis for more detailed research.

Potential research questions we which we wanted to consider but was beyond the scope of our project includes an empirical study of how PPP legislation impacts on sustainable development, potential to draft model legislation. Studies analysing PPP legislation in OECD and non-OECD countries and comparisons between the PPP legislations of different regions.

5 Observations

While it is important, firstly, to note that the number of entries recorded against the indicators doesn't absolutely represent the comprehensiveness of the legislation, nevertheless, the data presents broad overview of where the legislation is focused.

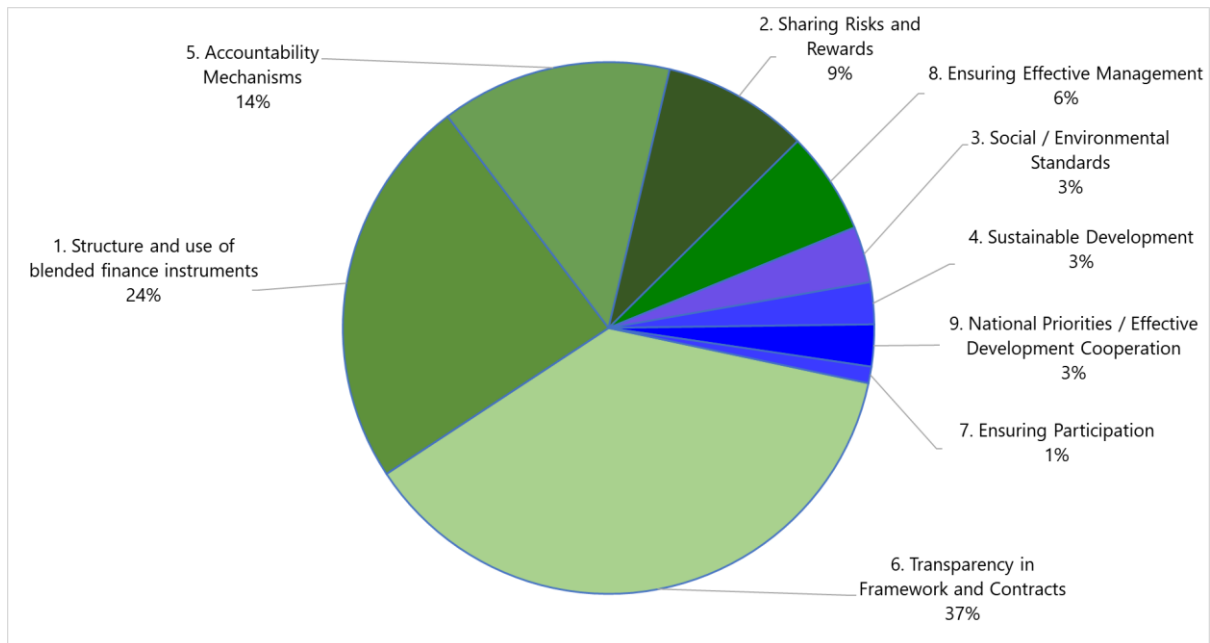


Figure 3: Distribution of entries in database per Addis principle

5.1 Overview Of Representation Of The Principles

Figure 3 shows the percentage of each principle in relation to the total number of entries. In order of the highest to lowest, the most entries came under Principle 6 - Transparency in Framework and Contracts (37%), followed by Principle 1 - Structure and use of Blended Finance Instruments (24%). A moderate degree of legislative attention was accorded to Principle 4 - Accountability Mechanisms (14%), Principle 2 - Sharing Risks and Rewards (9%) and Principle 8 - Ensuring Effective Management (6%).

Finally, those principles least represented in the sample include Principle 3 - Social and Environmental Standards (3%); Principle 9 - National Priorities and Effective Development Cooperation (3%); Principle 4 - Sustainable Development (3%) and Principle 7 - Ensuring Participation (1%). For more discussion of Principles 3, 4, 7, and 9, see Part 6 of this report.

5.2 Focus on Transactional Elements

Our first impression of the legislation was that it tended to focus much more on detailing procedures for selecting an investor, accepting and assessing bids, and creating contracts. Investor in this case refers to either the private party investing in the PPP project as a whole or a sub-contractor or supplier for the project.

This finding is supported by the fact that our highest single indicator by entries was for indicator 6.3 - Disclosure of framework of selecting investor. Principle 6 also includes other indicators such as Framework for unsolicited proposals (6.5) which relates to procedure for accepting, evaluating and implementing unsolicited bids; Model contracts to be developed (6.4) which pertains to creating standard form contracts for investment and procurement; and General principles of Transparency (6.1) and Disclosure / Confidentiality of project documents (6.2).

We were able to take the text from the database and run a word count on it. In all, there were 2602 references to 'Procurement' and 'Procuring' and 2489 references to 'Bid / Bidder / Bidding / Bidders'. This supports our hypothesis that the legislation focuses on procurement and detailing procedures.

frequency	word
3461	shall
1832	procurement
1697	project
1482	may
1219	PPP
1100	authority
1062	contracting
1041	private
1038	public
1018	Act
929	contract
873	entity
851	will
770	procuring
730	bid
703	bidder
633	agreement
570	documents
536	bidding
520	bidders



5.3 Further Insights Into The Data Distribution

The following graph shows the coverage of each of the 9 principles for all 18 countries.

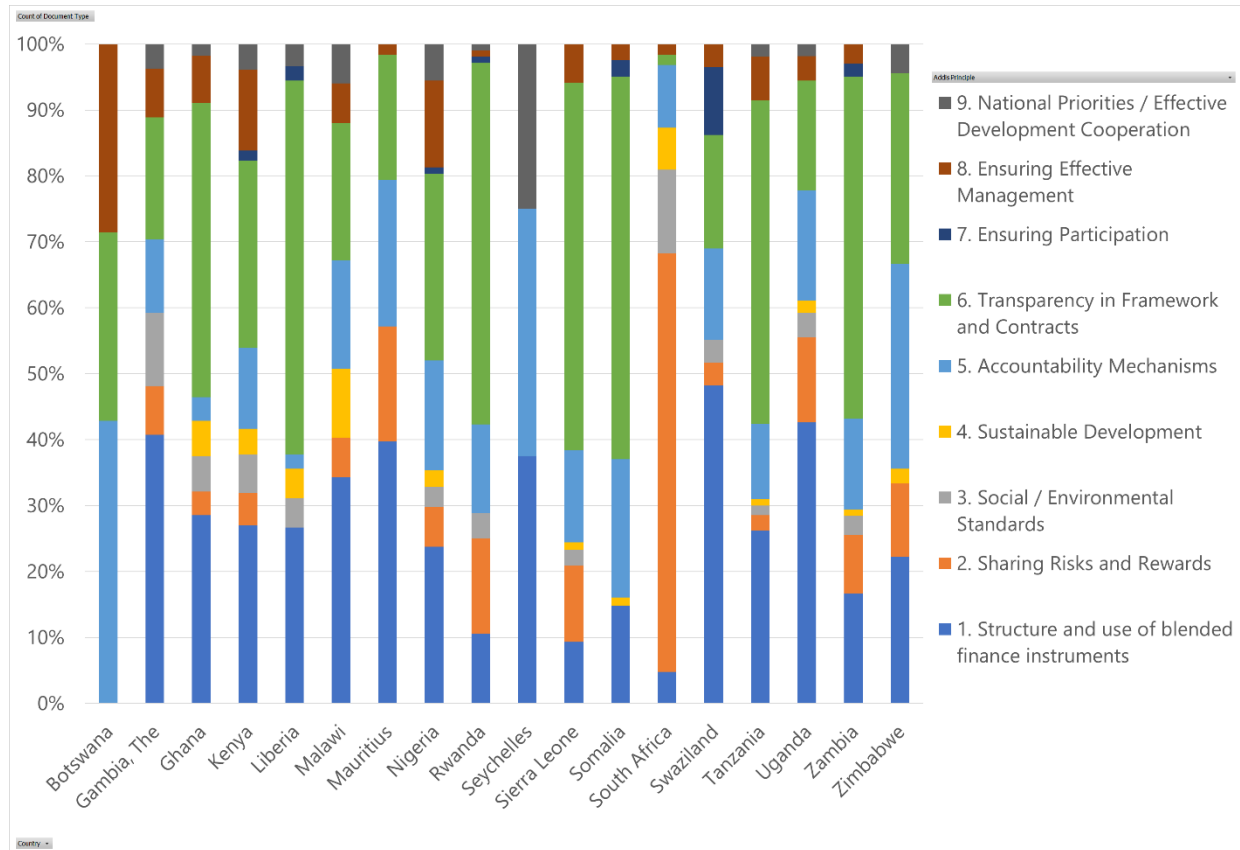


Figure 5: Coverage of 9 Addis Agenda Principles for 18 Sub-Saharan African Countries

Majority of the countries have a procedural focus on Transparency in Framework and Contracts (Principle 6). However, Malawi, Swaziland and Uganda show a greater focus on Structure and use of blended finance instruments. South Africa has an extensive focus on Sharing of Risks and Rewards (Principle 2), over which Botswana, Liberia, Seychelles and Somalia are completely silent.

Only about 40% countries such as Kenya, Liberia, Nigeria, Rwanda, Somalia, Swaziland and Zambia touch upon Ensuring Participation (Principle 7) from the local community or refer to national laws that guarantee some form of rights to the general community.

5.4 Scope for Future Research

5.4.1 Alignment Of Legislation Enacted Post-2015 To The Addis Ababa Action Agenda

The Addis Ababa Action Agenda was formulated in 2015 and 193 states agreed to the principles therein. It would be ideal to investigate whether the PPP laws developed within or outside the member states after 2015 align with the Addis Agenda and the extent of such an alignment.

The current data set of 1494 provisions only includes 83 entries that are post-2015 whereas the remaining 1411 entries are pre-Addis. It is premature to comment on the progress of implementation of AAAA into domestic PPP legislation. However, identifying this would be crucial to anticipate whether suitable advancement is being made in enacting PPP laws, such that the 2030 Agenda for Sustainable Development could be met.

5.4.2 Country's Development Stage And Legislative Detail

The following graph uses the standard classification of the countries into various income groups such as Low (L), Lower Middle (LM), Upper Middle (UM) and High (H), as available from the World Bank website. It is then compared against the total number of provisions that are entered in the database for each of those countries.

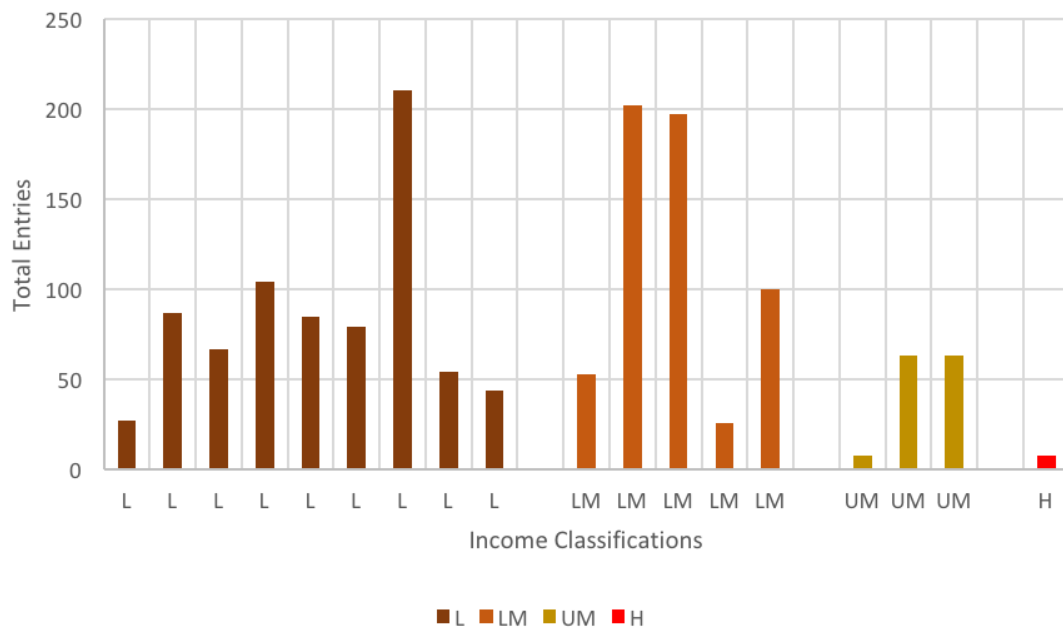


Figure 6: Total Entries by Income Classifications

An analysis along these lines could reveal whether developing countries have comprehensive legislation to attract and secure investment or that developed countries have the resources to enact detailed legislation. This could also assist in identifying if there is any correlation between a country's stage of development and its PPP law; and if there is, the nature and extent of such correlation.

This legislative scheme is also complemented by an array of document 'types' such as Statute (Primary legislation), Regulations (Secondary Legislation), Guidelines and Policy. It would also be beneficial to scrutinise if the type of legislation correlates to its alignment with the Addis Agenda. This could help to identify if SDGs could be achieved via PPPs through mandated legislation or a flexible approach to this developing area of law.

5.4.3 Analysing the provisions at an indicator level

The current analysis of data is done with a focus on the 9 principles and classifying those as either supporting transactional aspects (Principles 1, 2, 5, 6, 8) or sustainability aspects (Principles 3, 4, 7, 9). These principles are further elaborated to 47 indicators in total. It is observed that the indicators can be considered as having 4 key themes – economics, economic governance, social and environmental.

An extra layer of analysis could be done by classifying the indicators as falling within one (or more) of those 4 themes and then studying the data to identify the core legislative focus. This would mean that provisions relating to indicators from different principles could be grouped as per their theme and analysed; rather than simply analysing provisions based on their principles.

This section indicates that there is a scope for future research in this area using the existing data or by expanding it to cover more regions/countries.

6 Text Analysis of Social and Environmental Principles

In this section, we discuss the four principles that represent the lowest percentages of entries in the data set overall. They are, Principle 3 – Social and Environmental Standards (3.4%), Principle 4 – Sustainable Development (2.5%), Principle 7 – Ensuring Participation (1.0%) and Principle 9 – National Priorities and Effective Development Cooperation (2.5%). These principles largely correspond to the social and environmental dimensions of sustainable development.

We include the number of countries and entries recorded against each indicator. We then include a textual analysis of the provisions themselves. This qualitative analysis shows the substantive topics incorporated in the legislation; considers some good-practice, comprehensive and holistic provisions; and highlights some significant gaps in the legislation.

6.1 Principle 3 – Social and Environmental Standards

Identifier	Indicator	Number of Countries	Entries
3.1	Environmental Laws/Regulations	9	15
3.2	Health and Safety Laws	4	4
3.3	Labour Laws/Regulations	4	5
3.4	Laws on indigenous people	0	0
3.5	Rights of community (compensation / resettlement)	5	6

3.6	Reference to international standards	3	3
3.7	Reference to social outcomes (gender equality)	7	18
Total			51
Percentage of total entries in data set			3.4%

Of the total database entries of 1494, there were 51 (3.4%) relating to the Addis principle Social and Environmental Standards.

Indicator 3.1 - Reference to Environmental Laws/Regulations

Reference to Environmental laws/regulations comprised 15 entries made by 9 countries. This comprised of both primary legislation and policy documents.

Provisions found in legislation variously: made reference to national Environmental Acts and Regulations (Liberia, Kenya, Ghana); directed the consideration of the environmental impact of projects in feasibility studies (Kenya); required environmental impact assessments (Tanzania); granted public partners the right to takeover project if clear and present danger to the environment (Sierra Leone); and stipulated that the project agreement provides for protection of the environment (Uganda).

Provisions found in policy documents and guidelines: stated that the policy objective is 'to protect and enhance the natural environment and minimise greenhouse gas emissions and pollutants' (Nigeria); and delegated the determination of appropriate environmental standards to the regulator where not already provided for by other bodies (Nigeria). Environmental protection was incorporated as a PPP policy objective (Gambia), specified as a criteria of the qualifications assessed by the contracting authority (Kenya), delegated as a responsibility of regulators (Nigeria), and detailed in environmental impact studies (Nigeria).

Indicator 3.2 – Health and Safety Laws

Reference to Health and Safety laws arises in four entries.

Health and safety laws were to be specified as a qualification by the contracting authority (Kenya), and delegated to the regulator to determine appropriate standards where not already set out in legislation (Nigeria). A more detailed provision considered security at the project site, requiring prevention of 'anything that may cause an accident to any person... [safeguards for] neighbouring persons/properties (Rwanda). The safety of employees and end users of the infrastructure or service was mentioned (Uganda).

Indicator 3.3 – Labour Laws/Regulations

6 entries in 4 countries referred to labour laws/regulations.

Entries included reference to respecting employment rights (Kenya), developing human resource capacity within PPP unit (Kenya), ensuring redundancy or social safety net issues resolved before project approval (Nigeria), and directing that staff are to 'strictly observe' working hours and leave entitlements of their departments (Rwanda).

There was more detail in South African PPP regulations which included: staff rights in transfer of operations, mention of trade unions, directive not to disrupt continuity of employment, and reference to the national Labour Relations Act.

Indicator 3.4 – Laws On Indigenous Peoples

There were no entries pertaining to the rights of indigenous peoples.

Indicator 3.5 – Rights Of Community (For Example, To Compensation Or Resettlement)

5 entries were found in 5 jurisdictions.

Primary legislation directed that successful bidders ensure to return installations displaced or shifted by works, and take necessary measures to safeguard neighbouring persons/properties, to 'assure protection, conservation and integrity of

constructions and other existing works as well as other installations around the site.’ (Rwanda). Compulsory acquisition of land was directed to be carried out in accordance with law (Sierra Leone, Tanzania).

Policy documents offered necessary administrative support for ‘rehabilitation & resettlement of affected families/persons’ (Gambia), or, more broadly, to ‘protect the interests of all stakeholders, including...affected people’ (Ghana).

Indicator 3.6 – Reference To International Standards

3 provisions in 3 countries made reference to international standards. These standards were broadly phrased and non-specific, and included ‘national and international social and environmental safeguards’ (Gambia), and ‘acceptable local and international social and environmental standards’ (Ghana). Liberia made reference specifically to the preparation of procurement requirements ‘in conformity with the applicable environmental protection legislation and regulations as well as international conventions and standards’.

Indicator 3.7 – Social Outcomes

At the beginning of the research this category was intentionally left open, in order to capture as many different social outcomes as arose. At the conclusion of collecting the data, we found that this indicator captured provisions targeted at achieving outcomes according to gender, race, (dis)ability, youth, local communities and local small and medium enterprises (SMEs).

7 countries included reference to social outcomes. Those countries with particularly comprehensive provisions included Kenya and South Africa.

Kenya’s legislation made reference to Kenya’s Vision 2030 – the country’s long-term plan for social and economic development from 2008-2030. Key principles of that plan include:

- “i) To build a just and cohesive society with social equity for all citizens;*
- ii) To strengthen Kenya's democratic and political system, founded on issue-based politics, with respect for the rule of law and protection of the right of freedom of every individual in Kenya; and*
- iii) To eliminate the deficit in core infrastructure that currently persists in Kenya so as to provide high quality services to the citizenry and serve as a basis for improving the attractiveness of Kenya as a touristic and investment destination.”*

The Kenya policy statement articulated the importance of efficiency and access to public services, regional development and enhanced public health, safety and wellbeing. Public support was noted as being integral to the success of the PPP program – necessitating a PPP communications end awareness strategy directed to key stakeholders, officials, employees and the general public.

South Africa’s PPP legislation articulated the intention for PPPs to ‘provide a showcase for its strategy for broad-based black economic empowerment (“BEE”)’.

Social outcomes included as policy objective here included:

- direct beneficial ownership by Black People of Equity in the Private Party;
- direct participation by Black People (especially Black Women) in the Management Control
- direct participation by Black People and Black Enterprises in the subcontracting arrangements, procurement requirements
- skills development opportunities for Black People employed in connection with the Project...employment equity targets;
- beneficial socio-economic impacts at local community level (for the benefit of SMMEs, the youth, the disabled, non-profit organisations and so forth).

Furthermore, these outcomes were supported by measurable targets and specified penalties as outlined in the BEE policy.

6.2 Principle 4 – Sustainable Development

Identifier	Indicator	Number of Countries	Entries
4.1	Sustainable development as an outcome / objective of PPP	1	1
4.2	Accessibility / Affordability of services	3	7
4.3	Assets' resilience to climate change	0	0
4.4	Environmental and social sustainability considerations in procurement	6	15
4.5	Local labour upskilling requirements	10	15
Total			38
Percentage of total entries in data set			2.5%

Of the total database entries of 1494, there were 38 (2.5%) relating to the Addis principle Sustainable Development.

Indicator 4.1 – Sustainable Development As An Outcome / Objective Of PPP

Only Malawi's legislation included sustainable development as an outcome/objective of PPP. The relevant provision is as follows:

A Contracting Authority, where authorized by the Cabinet, may enter into a public-private partnership arrangements for the delivery of infrastructure and services within

the scope of Government's key priority areas aimed at achieving sustainable economic growth and social development.

With PPPs posited as a key mechanism for achieving SDGs, greater legislative articulation and reference to sustainable development as an outcome is recommended.

Indicator 4.2 – Accessibility / Affordability of Services

There were 7 entries in 3 countries relating to accessibility/affordability for project end-users.

In Kenya, there were 2 entries in primary legislation, 1 entry in secondary and 1 entry in a policy document. Legislation required: contracting authority to consider affordability/value for money/public sector comparator at feasibility study stage; project agreement variation not to be approved unless can ensure 'continued provisions of efficient and effective service to public; and allowed the Cabinet Secretary to approve a PPP (with conditions including) if project offers value for money (VfM) to end users. Further (as set out in the policy document), in determining whether PPP model is appropriate, government was required to consider two kinds of affordability: 'affordability to consumers which will be determined by conducting a consumer demand, affordability and a willingness to pay survey', and affordability to government (that is, whether it could be financed from the government budget over its life.

The specification of 2 kinds of affordability 'both to the Government and the consumer' was also mentioned in Malawi, with the proviso that:

“it will always need to be borne in mind, however, that while the private sector may be willing to finance and deliver infrastructure and services through PPPs, only users and taxpayers can pay for them”

In Nigeria, economic policy objectives included ‘to improve availability, quality and efficiency of power, water, transport and other public services in order to increase economic growth, productivity, competitiveness and access to markets’. This policy document elaborated that government budgets were divided between capital, and running costs – these defined what was affordable. Spending commitment should only be made when they had received budget appropriation which confirmed their affordability.

Indicator 4.3 – Assets' Resilience To Climate Change

There were no entries related to assets’ resilience to climate change.

Indicator 4.4 – Environmental and Social Sustainability Considerations in Procurement

This indicator encapsulated 15 entries in 6 countries. It specifically referred to environmental and social considerations at the procurement stage, as distinct from reference to environmental laws/regulations (Indicator 3.1) or reference to social outcomes (Indicator 3.7).

In Kenya, the feasibility study had to consider ‘social, economic and environmental impact of project’, the project proposal stage had to consider ‘socio-economic benefits, operational and strategic benefits’, and any amendment and variation to an agreement had to ensure ‘continued protection and preservation of the environment’.

In Malawi the PPP Act was designed to facilitate PPPs to deliver infrastructure and services to achieve sustainable economic growth and social development'. Further, 'social content' such as poverty alleviation required Ministries and Contracting Authorities to secure the approval of Cabinet through the Ministry of Finance, with the intention to. The legislation also included a provision to support economically and socially justified projects which are not financially viable. The legislation identified key priority areas as: agriculture and food security; energy/mining/industry/tourism; transport and port infrastructure; education, science, and technology; public health, sanitation, malaria, and HIV/AIDS management; rural development; irrigation; child and youth development; climate change and natural resource and environmental management.

4.5 Local Labour Upskilling Requirements

There were 12 entries in 10 countries relating to local labour upskilling, margins of preference to local businesses, content and technology transfer, and development of human resources.

This indicator was not originally part of Addis principles however we added it to the indicators because we noticed its occurrence in several jurisdictions in the sample.

6.3 Principle 7 – Ensuring Participation

Identifier	Indicator	Number of Countries	Entries
7.1	Community participation provision	7	11
7.2	Reference to national laws that guarantee rights	2	2

7.3	Reference to Procedural and Human Rights	2	2
Total			15
Percentage of total entries in data set			1.0%

Ensuring participation represented the lowest ranked principle by number of entries. There were 11 provisions pertaining to community participation in 7 countries – just 1.0% of the data set overall.

Indicator 7.1 – Community Participation Provision

Legislation in the sample variously referred to ‘users of the facility or service and other relevant stakeholders’ (Kenya), ‘procurement end-user’(Liberia) ‘beneficiary community’ (Liberia, Rwanda), ‘public stakeholders’ (Somalia), ‘local communities and nongovernmental organisation’ (Zambia).

More detail was provided in policy documents, including broader reference to

‘Stakeholders to be consulted shall include employees and their trade unions, the public, the people who will use the assets and services provided, local communities, sectoral interest groups, amongst others.’(Kenya),

and the general public, customers, affected communities, and corporate stakeholders (Nigeria).

Indicator 7.2 – Reference To National Laws That Guarantee Rights

There was a narrow scope of the kinds of rights guaranteed.

Consumer rights were protected against ‘potentially monopolistic situations’ (Swaziland).

In Zambia, the rights of the private partner were included, with a provision directing the public authority to make available or assist a concessionaire to obtain ‘such rights related to the project site, including title thereto’ as needed.

Indicator 7.3 – Reference To Procedural Or Human Rights

In Swaziland’s legislation, a key principle included that ‘participation by Swazi citizens must be facilitated’, ‘whether through prescribed sub-contracting, partnerships or equity holding in’.

Kenya’s Policy Statement stands out for articulating a goal of strengthening social equity and individuals’ right of freedom through public governance and rule of law.

i) To build a just and cohesive society with social equity for all citizens;

ii) To strengthen Kenya's democratic and political system, founded on issue-based politics, with respect for the rule of law and protection of the right of freedom of every individual in Kenya; and

iii) To eliminate the deficit in core infrastructure that currently persists in Kenya so as to provide high quality services to the citizenry and serve as a basis for improving the attractiveness of Kenya as a touristic and investment destination

6.4 Principle 9 – National Priorities and Effective Development Cooperation

Identifier	Indicator	Number of Countries	Entries
9.1	Alignment with national development strategy	11	30
9.2	Provision for effective development cooperation	4	4
9.3	International best practice	3	4

Total	38
Percentage of total entries in data set	2.5%

Of the total database entries of 1494, there were 38 (2.5%) relating to National Priorities and Effective Development Cooperation.

Indicator 9.1 – Alignment with National Development Strategy

In Kenya this comprised of delegating authority to a committee to prepare for Cabinet approval a national priority list. In Tanzania reference was made to a National Economic Empowerment Policy. In Uganda projects had to be consistent with national priorities outlined in the Public Private Partnerships Framework Policy. Gambia had a strategy entitled Vision 2020, and Ghana had a National Infrastructure Plan. Kenya had Vision 2030 and Malawi had the Malawi Growth and Development Strategy. In Nigeria the National Planning Commission was to develop a 15-year investment strategy guided by the National Policy Statement.

Indicator 9.2 – Provision For Effective Development Cooperation

Few provisions were found that addressed effective development cooperation between developed and developing nations. This may be because most of the countries in the sample are low and lower-middle income countries. Perhaps it is more likely that provisions for effective development cooperation occur in developed countries than developing countries.

Indicator 9.3 – International Best Practice

4 entries referred to 'international best practice'. They referred to price setting and success fees (Kenya), 'general principles and rules for PPPs based on best practices' (Kenya, policy doc), technical specifications (Liberia), and the intention to build on experience of successful PPPs and from 'international best practices' (Tanzania).

6.5 Gaps – Sustainability Dimensions

In proportion to other principles captured in the data set, all of the above principles and indicators received limited attention. For example, it is telling that sustainable development as an outcome of PPP was only found in one jurisdiction (see Indicator 4.1 above).

It is worth highlighting that several indicators were completely absent.

- Indicator 1.9 was included to capture any monetary restriction or limitation on the use of PPPs, but no provisions were found.
- While there were provisions making reference to greenhouse gas emission and climate change captured under Indicator 3.1, there was no mention in the sample of the assets' resilience to climate change – Indicator 4.3.
- Legislation specifically addressing the rights of indigenous peoples as a unique interest group is a stark omission.

Each of these indicators were derived from the principles inherent in the Addis Agenda – designed as a framework for financing and striving for the Sustainable Development Goals. It follows that each of these – and the sparsely-addressed Principles 3, 4, 7 and 9 – warrant greater attention in national PPP legislation.

7 Concluding Remarks

Our project set out to conduct a technical review of the existing PPP legislations in light of the vision of sustainable and resilient infrastructure for all as set out in the Addis Agenda. A database was created to allow for better quantitative analysis and permit data manipulation to form conclusions.

Despite the database's relatively small sample size of Sub-Saharan Africa, the data suggests that the contents of the legislation largely focuses on transactional elements of social and environmental dimensions of sustainable development. Major gaps in the legislation exist, in term of addressing the Addis Principles in indigenous people's assets, resilience to climate change and pprovisions for effective development cooperation. As it stands, more must be done for legislation to catch up and fully address all dimensions of sustainable development adequately.

8 Annex 1: Notable Provisions from PPP Legislation

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
1. Structure and use of blended finance instruments						
1.1	Definition of PPP exists	Tanzania	Public Private Partnership Act	Primary Legislation	2010	s 3
		Mauritius	Public Private Partnership Guidance Manual	Guideline	2006	1.1
		Nigeria	Guide for Implementing Unsolicited Proposals	Guideline		2.1
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	7
1.2	Specified body for approving PPP projects	Gambia	National Public Private Partnership Policy	Policy Document	2015	s 9.2
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 4, s 3.1
		Kenya	Public Private Partnerships Regulations	Secondary Legislation	2014	r 16
1.3	Specified procedure / approach for use of PPP	Swaziland	PPP Policy	Policy Document	2008	s 8
		Swaziland	PPP Policy	Policy Document	2008	s 12
		Somalia	Public Procurement, Concessions and Disposal Act	Primary Legislation	2015	art 143
		Uganda	Public Private Partnerships Act	Primary Legislation	2015	s 3
		Uganda	Public Private Partnerships Act	Primary Legislation	2015	s 21
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2011	reg 5
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	9
1.4	Criteria for determining the suitability of PPP (Feasibility study)	Swaziland	PPP Policy	Policy Document	2008	s 5

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		Tanzania	Public Private Partnership Act	Primary Legislation	2010	s 10
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 12
		Mauritius	Public Private Partnership Guidance Manual	Guideline	2006	1.1.4
		Mauritius	Public Private Partnership Guidance Manual	Guideline	2006	4.2.5
		Liberia	Amended and Restated Public Procurement and Concessions Act	Primary Legislation	2010	s 119
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 2, s 2.1
1.5	Specifies government's role in PPP projects	Swaziland	PPP Policy	Policy Document	2008	s 15
		Sierra Leone	Public Private Partnership Act	Primary Legislation	2014	s 27
		Tanzania	Public Private Partnership Act	Primary Legislation	2010	s 5
		Tanzania	Public Private Partnership Act	Primary Legislation	2010	s 8
		Tanzania	Public Procurement Act	Primary Legislation	2011	s 6
		Kenya	Policy Statement on Public Private Partnerships	Policy Document	2015	s 3.4
		Kenya	Policy Statement on Public Private Partnerships	Policy Document	2015	s 3.3
1.6	Specifies private sector's role in PPP projects	Tanzania	Public Private Partnership Act	Primary Legislation	2010	s 8
1.7	Specific outcomes for PPP	Somalia	Public Procurement, Concessions and Disposal Act	Primary Legislation	2015	art 109
		Kenya	Policy Statement on Public Private Partnerships	Policy Document	2015	s 2.4

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
1.8	Time limitation /restriction on use of PPP		No provisions in database			
1.9	Monetary limitation / restriction on use of PPP		No significant provision found			
1.10	Sector limitations / restriction on use of PPP	Kenya	Public Private Partnerships Act	Primary Legislation	2013	s 20
2. Sharing Risks and Rewards						
2.1	Requires specific risk allocation (guarantees)	South Africa	Standardised PPP Provisions	Secondary Legislation	2004	12.2
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	13.2
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	14.2
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	18.1.3
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	21.1
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	21.2
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	21.3
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	21.4
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	42.1

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	42.2
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	42.3
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	45
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	48
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 2, s 2.6
2.2	Requires specific benefits sharing (incentives)	South Africa	Standardised PPP Provisions	Secondary Legislation	2004	21.6
		Uganda	Public Private Partnerships Act	Primary Legislation	2015	s 26
2.3	Certain risks allocated to government	Kenya	Policy Statement on Public Private Partnerships	Policy Document	2015	s 3.3
2.4	Risks allocated to party best able to manage them	South Africa	Standardised PPP Provisions	Secondary Legislation	2004	49.3
		Gambia	National Public Private Partnership Policy	Policy Document	2015	s 9.8
		Mauritius	Public Private Partnership Guidance Manual	Guideline	2006	6.7
		Mauritius	Public Private Partnership Guidance Manual	Guideline	2006	7.15
2.5	Termination provisions	South Africa	Standardised PPP Provisions	Secondary Legislation	2004	8.1.1
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	60.1
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	60.2

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	60.3
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	60.4
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	60.5
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	63
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	64
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	65
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	66
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	67
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	86.1
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	86.2
3. Social / Environmental Standards						
3.1	Environmental laws / regulations	Ghana	National Policy on PPP	Policy Document	2011	B III 1.
3.2	Labour laws / regulations		No significant provision found			

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
3.3	Health and Safety laws / regulations	Rwanda	Law on Public Procurement	Primary Legislation	2007	art 120
3.4	Laws on indigenous people		No provisions in database			
3.5	Rights of community (compensation / resettlement)	Tanzania	Public Private Partnership Act	Primary Legislation	2010	s 12
3.6	Reference to international standards	Liberia	Amended and Restated Public Procurement and Concessions Act	Primary Legislation	2010	s 34
3.7	Reference to social outcomes (gender equality)	South Africa	Standardised PPP Provisions	Secondary Legislation	2004	59
		Kenya	Policy Statement on Public Private Partnerships	Policy Document	2015	s 1.2
4. Sustainable Development						
4.1	Sustainable development as an outcome / objective of PPP	Malawi	Public-Private Partnership Act	Primary Legislation	2011	s 25
4.2	Accessibility / Affordability of services	Malawi	Public Private Partnership Policy Framework	Policy Document	2011	7.2.4
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 2, s 2.2
4.3	Assets' resilience to climate change	No provisions				
4.4	Environmental and social sustainability considerations in procurement	South Africa	Standardised PPP Provisions	Secondary Legislation	2004	14.1
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	15
		Malawi	Public Private Partnership Policy Framework	Policy Document	2011	8.3

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		Malawi	Public-Private Partnership Act	Primary Legislation	2011	s 3
4.5	Local labour upskilling requirements	Zimbabwe	Public Procurement and Disposal of Public Assets Act	Primary Legislation	2017	s 29
5. Accountability Mechanisms						
5.1	Specified body for ensuring accountability	Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 4, s 1.3
		Rwanda	Law Governing Public Private Partnerships	Primary Legislation	2016	art 9
		Malawi	Public Private Partnership Policy Framework	Policy Document	2011	7.2.5
5.2	Inspection / Monitoring / Reporting	Sierra Leone	Public Procurement Act	Primary Legislation	2016	s 15
		Sierra Leone	Public Procurement Act	Primary Legislation	2016	s 30
		Sierra Leone	Public Procurement Act	Primary Legislation	2016	s 32
		Uganda	Public Private Partnerships Act	Primary Legislation	2015	s 26
		Uganda	Public Private Partnerships Act	Primary Legislation	2015	s 27
		Uganda	Public Private Partnerships Act	Primary Legislation	2015	s 28
		Uganda	Public Private Partnerships Act	Primary Legislation	2015	s 30
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	32.4
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	33.3
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	33.6

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	33.9
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	33.10
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 85
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 90
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 91
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 92
5.3	Contract management team	Uganda	Standardised PPP Provisions	Secondary Legislation	2004	38
5.4	Grievance mechanisms for affected community	Nigeria	Fiscal Responsibility Act	Primary Legislation	2007	s 51
5.5	Grievance mechanisms for consumers	Sierra Leone	Public Private Partnership Act	Primary Legislation	2014	s 62
5.6	Grievance mechanisms for private / project entity	Tanzania	Public Private Partnership Act	Primary Legislation	2010	s 22
		Tanzania	Public Procurement Act	Primary Legislation	2011	s 96
		Tanzania	Public Procurement Act	Primary Legislation	2011	s 97
		Tanzania	Public Procurement Act	Primary Legislation	2011	s 98
		Tanzania	Public Procurement Act	Primary Legislation	2011	s 99
		Tanzania	Public Procurement Act	Primary Legislation	2011	s 101

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
6. Transparency in Framework and Contracts						
6.1	General principles of transparency	Somalia	Public Procurement, Concessions and Disposal Act	Primary Legislation	2015	art 67
		Tanzania	Public Procurement Act	Primary Legislation	2011	s 83
		Malawi	Public Private Partnership Policy Framework	Policy Document	2011	7.2.6
		Nigeria	Fiscal Responsibility Act	Primary Legislation	2007	s 48
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	8
6.2	Disclosure / Confidentiality of project documents	Uganda	Public Private Partnerships Act	Primary Legislation	2015	s 47
		Zambia	Public Private Partnership Act	Primary Legislation	2009	s 38
		South Africa	Standardised PPP Provisions	Secondary Legislation	2004	95
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 4, s 1.4
		Zimbabwe	Public Procurement and Disposal of Public Assets Act	Primary Legislation	2017	s 38
6.3	Disclosure of framework of selecting investor	Sierra Leone	Public Procurement Act	Primary Legislation	2016	s 58
		Sierra Leone	Public Private Partnership Act	Primary Legislation	2014	s 49
		Somalia	Public Procurement, Concessions and Disposal Act	Primary Legislation	2015	art 154
		Somalia	Public Procurement, Concessions and Disposal Act	Primary Legislation	2015	art 156
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 34

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		Tanzania	Public Procurement Act	Primary Legislation	2011	s 65
		Zimbabwe	Public Procurement and Disposal of Public Assets Act	Primary Legislation	2017	s 33
		Mauritius	Public Private Partnership Guidance Manual	Guideline	2006	4.2.3
		Liberia	Amended and Restated Public Procurement and Concessions Act	Primary Legislation	2010	s 36
		Liberia	Amended and Restated Public Procurement and Concessions Act	Primary Legislation	2010	s 42
		Liberia	Amended and Restated Public Procurement and Concessions Act	Primary Legislation	2010	s 45
		Liberia	Amended and Restated Public Procurement and Concessions Act	Primary Legislation	2010	s 46
		Rwanda	Law on Public Procurement	Primary Legislation	2007	art 40
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 1, s 3.4
6.4	Model contracts to be developed	Sierra Leone	Public Private Partnership Act	Primary Legislation	2014	s 4
		Zimbabwe	Public Procurement and Disposal of Public Assets Act	Primary Legislation	2017	s 78
		Mauritius	Public Private Partnership Guidance Manual	Guideline	2006	8.5
		Kenya	Public Private Partnerships Act	Primary Legislation	2013	sch 3
6.5	Framework for unsolicited proposals	Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 4
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 8
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 9

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 11
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 52
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 53
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 54
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 55
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 56
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 57
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 58
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 59
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 60
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 61
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 62
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 63

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 80
7. Ensuring Participation						
7.1	Community participation provision	Zambia	Public Procurement Act	Primary Legislation	2008	s 36
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	8
7.2	Reference to national laws that guarantee rights	Zambia	Public Private Partnership Act	Primary Legislation	2009	s 46
7.3	Reference to Procedural and Human Rights	Kenya	Policy Statement on Public Private Partnerships	Policy Document	2015	s 1.2
8. Ensuring Effective Management						
8.1	Public authority's responsibility to manage / oversee PPP	Tanzania	Public Private Partnership Regulations	Secondary Legislation	2015	reg 71
8.2	Contingent liabilities (Budgeting, Financing)	Nigeria	National Policy on Public Private Partnership	Policy Document	2008	6
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 4, s 1.5
		Kenya	Policy Statement on Public Private Partnerships	Policy Document	2015	s 3.3
		Kenya	Policy Statement on Public Private Partnerships	Policy Document	2015	s 3.8
8.3	Debt sustainability by public authority	South Africa	Standardised PPP Provisions	Secondary Legislation	2004	4.3.2.2
		Nigeria	Fiscal Responsibility Act	Primary Legislation	2007	s 11

Indicator Number	Indicator Name	Country	Document Name	Document Type	Year	Section / Article
		Nigeria	National Policy on Public Private Partnership	Policy Document	2008	pt 4, s 3.8
9. National Priorities / Effective Development Cooperation						
9.1	Alignment with national development strategy	Malawi	Public Private Partnership Policy Framework	Policy Document	2011	6.1
9.2	Provision for effective development cooperation		No provisions in database			
9.3	International best practice	Liberia	Amended and Restated Public Procurement and Concessions Act	Primary Legislation	2010	s 97

9 Annex 2: Database Design and Function

The database consists of two main sheets: 'Lists' and 'Data.' The 'Lists' is a sheet where all the back-end data for the 'Data' sheet exists. The 'Data' is where all the content from various PPP laws is input for populating the database.

1. Framework / Layout of Database

Following is the correlation and operation of various lists from the sheet 'Lists' to the sheet 'Data':

Country Name

Lists all the countries in the world. This list appears as a dropdown in the 'Country' column in 'Data'

Principle Name

This lists the 9 Addis Ababa Action Agenda ('AAAA') principles and each of them is given an Addis Principle number. The Addis Principle number is used to identify the principle.

Subsection Name

The 9 principles under the AAAA have been broken down into 47 indicators so that each item covered under any AAAA principle can be clearly identified in a more specific context, rather than the categorising it under broader principle itself.

The options displayed in the 'Indicators' dropdown will only cover those indicators that are within that particular 'Addis Principle.'

Cells for each group of indicators have been selected and collectively named as 'AddisPrinciple1', 'AddisPrinciple2' ... 'AddisPrinciple9'. This helps to create easy dropdowns under the 'Indicators' column in 'Live Data'.

Using the 'VLOOKUP' function, the dropdown in the 'Indicator' column is then linked to the 'Addis Principle'. This function looks up the 'Addis Principle' selected and then using the 'VLOOKUP' function in the 'Addis Principle List', finds the corresponding indicators and displays it as a dropdown in the 'Indicators' column.

Year

This is a list of years from 2018 through to 1900 in a descending order and appears as a dropdown under the 'Year' column in 'Data'.

Document Type

This list is used to classify the type of input document such as primary or secondary legislation or a guideline or policy. This list appears as a dropdown under the 'Document Type' column in 'Data'.

2. Inputting data in the 'Data' sheet

For adding the details of PPP legislation of any country into the database, follow these steps:

1. Select the country in the 'Country' column.
2. Select one of the nine AAAA principle in the column 'Addis Principle' which the particular section or article falls under.
3. Select the indicator in the column 'Indicators' to which the particular section or article most closely relates to. Please note that the indicators are dependent and related to the Addis Principle chosen. That is, the indicators available as a dropdown in this column will be the ones that fall under that Addis Principle.
4. Manually enter the name of the document in the from which the data is being entered under the column 'Document Name'.
5. Select the type of the document from the dropdown available in the column 'Document Type'.

6. Select the year of the document from the dropdown available in the column 'Year'. For an Act of Parliament this will be the year in which the legislation was enacted whereas for other documents it will be the year of publication appearing on the document.
7. In the column 'Section/Article', add the number of the particular section or article or paragraph being referred to.
8. In the 'Text' column, copy and paste the entire text of that particular section or article. This may need formatting to fit properly within the cell.

3. Using the 'Data' sheet

The database can be filtered by the 'Country', 'Addis Principle' or the 'Indicators'.

- To view all PPP laws and its classification for a particular country, simply filter that country from the 'Country' column.
- To view all PPP laws for all jurisdictions for a particular AAAA principle, filter that principle from the 'Addis Principle' column.
- To view all PPP laws for all jurisdictions for a particular indicator within a particular AAAA principle, filter that indicator from the 'Indicators' column. This can also be done after the previous step, to narrow down for indicators within a particular AAAA principle.
- A combination of more than one filters can be applied to narrow the results and to draw comparisons.

10 Annex 3: Countries and Legislation Included in the Study

Country	Act	Link to Source
Botswana	Public-Private Partnership Policy and Implementation Framework	
Botswana	Public Procurement and Asset Disposal Act Chapter 42-08	
Botswana	Public Procurement and Asset Disposal Regulations	
Gambia, The	National Public Private Partnership Policy	
Ghana	Public Procurement Amendment Act 2016 (Act 914)	
Ghana	National Policy on Public Private Partnerships, 2011	
Ghana	Public Procurement Act 2003 Act 663	
Ghana	Draft Public Private Partnerships Bill, 2013	
Malawi	Public-Private Partnership Bill, 2010	
Malawi	Public Private Partnership Policy Framework	
Malawi	Public Procurement Act	
Mauritius	Public Procurement Act 2006 amended 2017	
Mauritius	Public Procurement (Regulations 2008) 28 March 2017	
Mauritius	BOT Act 2016	
Mauritius	PPP Act Amended - Version September 2016	
Mauritius	PPP Guidance Manual	

Mauritius	The Public-Private Partnership Act 2004	
Kenya	Public Private Partnerships Act, 2013	https://pppunit.go.ke/wp-content/uploads/2017/11/ppp-act-2013-2.pdf
Kenya	Public Private Partnerships Regulations, 2014	https://pppunit.go.ke/wp-content/uploads/2017/11/PPP-Regulations-2014.pdf
Kenya	Policy Statement on Public Private Partnerships	https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/documents/Policy%20Statement%20on%20Public%20Private%20Partnerships.pdf
Kenya	Kenya Public Procurement and Disposal Act 2005	NOT APPLICABLE - see s. 4(2)(e)
Liberia	Amendment and Restatement of the Public Procurement and Concessions Act, 2005	http://ppcc.gov.lr/doc/PPCA%20_Sept%2013%202010%20_FINAL.pdf
Liberia	Public Procurement And Concessions Commission Regulation No. 3 Regulation on the Schedule of Thresholds for Procurement	http://www.ppcc.gov.lr/doc/Thresholds.pdf
Nigeria	Infrastructure Concession Regulatory commission (Establishment, ECT) Act, 2005	https://drive.google.com/file/d/0BzaBhwB6XxLWMHdzUTh4eGJXZ0E/edit
Nigeria	Public Procurement Act, 2007	http://goprs.unodc.org/documents/Public_Procurement_Act_2007.pdf
Nigeria	National Policy on Public Private Partnership 2008	https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/documents/National%20Policy%20on%20Public%20Private%20Partnership%202008.pdf

Nigeria	Public Enterprises (Privatisation and Commercialisation) Act 1999	http://lawsfnigeria.placng.org/laws/P38.pdf
Nigeria	Fiscal Responsibility Act Nigeria 2007	https://www.internationalbudget.org/wp-content/uploads/Nigeria-FiscalResponsibilityAct2007-English.pdf
Nigeria	Guide for Implementing Unsolicited Proposals	https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/documents/Guide%20for%20Implementing%20Unsolicited%20Proposals.pdf
Rwanda	Law No 12/2007 of 27/3/2007 On Public Procurement	http://www.droit-afrique.com/upload/doc/rwanda/Rwanda-Loi-2007-12-marches-publics.pdf
Rwanda	N° 14/2016 of 02/05/2016 Law governing public private partnerships	https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/documents/Law%20No.14-2016%20of%20February%205th%202016%20Governing%20Public%20Private%20Partnerships.pdf
Seychelles	Seychelles Investment Act 2010	http://www.wipo.int/edocs/lexdocs/laws/en/sc/sc011en.pdf
Sierra Leone	Public Procurement Act 2016	http://www.publicprocurement.gov.sl/index.php/public-procurement-act-2016
Sierra Leone	Public Private Partnership Act 2014	http://www.parliament.gov.sl/Portals/0/BILLS/2014/THE%20PUBLIC%20PRIVATE%20PARTNERSHIP%20ACT%202014.pdf
Sierra Leone	The Public-Private Partnership Act, 2010	http://www.sierra-leone.org/Laws/The%20Public%20Private%20Partnership%20%20Act,%202010.pdf
Somalia	Public Procurement and Concessions Law dated August 9, 2016	Not in English

Somalia	Public Procurement, Concessions and Disposal Act of November 23, 2015	https://sppa.so/sites/default/files/English_PPCDA.pdf
Somalia	Public Procurement, Concessions and Disposal Act, 2014	Not found
South Africa	Preferential Procurement Regulations, 2017	https://www.thedti.gov.za/economic_empowerment/docs/PPPFA%20Regulation.pdf
South Africa	Standardized PPP Provisions 2004	http://www.ppp.gov.za/Legal%20Aspects/Standardised%20PPP%20Provisions/National%20Treasury%20PPP%20Practice%20Not%20e%20No%201%20of%202004;%20Standardised%20PPP%20Provisions;%20First%20Issue;%2011%20March%202004_1.pdf
South Africa	South Africa PPP legislation	http://www.ppp.gov.za/Pages/Legislation.aspx
South Africa	Public Finance Management Act 1999	http://www.treasury.gov.za/legislation/PFMA/PFMA%201999%20as%20amended%20March%202017.pdf
South Africa	Municipal Fiscal Powers and Functions Act 2007	http://mfma.treasury.gov.za/MFMA/Legislation/Municipal%20Fiscal%20Powers%20and%20Functions%20Act.pdf
South Africa	Labour Relations Act 1995	http://www.labour.gov.za/DOL/legislation/acts/labour-relations/labour-relations-act/
Swaziland	PPP Policy	http://www.gov.sz/images/stories/finance/corporate%20Services/final%20ppp%20policy.pdf
Tanzania	Government Notice No. 333 on Public Procurement (Amendment) Regulations dated December 30, 2016	https://www.ppra.go.tz/phocadownload/attachments/Regulation%20regulation_ammendment2016.pdf
Tanzania	Public Procurement Amendment Act No. 10 of 2016 dated June 10, 2016	https://www.ppra.go.tz/phocadownload/attachments/PPA_Ammendment_Act_2016.pdf

Tanzania	Public Private Partnership Amendment Act May 2014	extwprlegs1.fao.org/docs/pdf/tan153761.pdf
Tanzania	Public Procurement Regulations Supplement No. 48 dated December 20, 2013	
Tanzania	Public Procurement Act Regulations Supplement No.45 dated November 29, 2013	https://www.ppra.go.tz/phocadownload/attachments/Regulations/regulations2013.pdf
Tanzania	Public Procurement Act No. 9 of 2011 dated December 21, 2011	https://www.ppra.go.tz/phocadownload/attachments/Act/Public_Procurement_Act_2011.pdf
Tanzania	Public Private Partnership Act Regulations Supplement No. 17 dated June 3, 2011	tanzania.eregulations.org/media/PPP%20Regulations_1.pdf
Tanzania	National Public Private Partnership (PPP) Policy	https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/documents/Tanzania_PPP%20Policy.pdf
Tanzania	Public-Private Partnership Act, 2010	http://extwprlegs1.fao.org/docs/pdf/tan122754.pdf
Tanzania	Public-Private Partnership Act Regulations, 2015	http://parliament.go.tz/polis/uploads/bills/1459254607-GN%20542%20%20THE%20PUBLIC%20PRIVATE%20PARTNERSHIP%20REGULATIONS_2015.pdf
Tanzania	Public Private Partnerships in Tanzania: Update Following the Finance Act 2013 , by Peter Kasanda, Clyde & Co Tanzania, February 2014	https://www.clydeco.com/uploads/Files/Policies/Newsletters/4.MEBE/MEBE_-_020_-_Public_Private_Partnerships_in_Tanzania_update_following_the_Finance_Act_2013_-_Eng_-_Jan_2014.pdf
Tanzania	Amendments to Tanzanian PPP Laws, by Peter Kasanda, Clyde & Co Tanzania, March 2015	https://www.clydeco.com/uploads/Files/Articles/2015/CC000704_2_PPP_PC_Updater_06-03-15_Final_(2).pdf
Uganda	The Public Private Partnerships Act, 2015	https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/ppp_testdumb/documents/uganda_the_public_private_partnership_act_2015.pdf

Uganda	Public-Private Partnership Framework Policy	https://ulii.org/consol_leglist/legislation_promulgated
Zambia	Public Private Partnerships Act, 2009	https://zambialii.org/system/files/legislation/act/2009/14/ppa2009295.pdf
Zambia	Public Procurement Act No.12 of 2008	https://zambialii.org/system/files/legislation/act/2008/12/ppa2008215.pdf
Zambia	Public Procurement Amendment Act No. 15 of 2011	http://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Public%20Procurement%20Amendment%20Act%20C%202011.pdf
Zambia	Public Finance Management Act, 2018	https://zambialii.org/system/files/legislation/act/2018/1/The%20Public%20Finance%20Management%20ACT%202018.pdf
Zimbabwe	Public Procurement and Disposal of Public Assets Act (Chapter 22-23) 2017	
Zimbabwe	Joint Ventures Act (Chapter 22 22) 2016	
Zimbabwe	Procurement Regulations (Chapter 22 14) 2002	
Zimbabwe	Procurement Act (Chapter 22 14) 2001	