



## How the ICoE-PPP can help to strengthen internal capacity of the Bank and capacity of African countries

*The use of ICoE by the AfDB: institutional and legal frameworks in the countries of operations of the AfDB*

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## Conditions of development of public infrastructures in Africa: Convergence with the new AfDB vision

### ICoE Findings: PPP essential but very poor results in LDCs

1. Development of public infrastructures and of essential infrastructure services is one of the main trigger for economic development
2. **Without pipelines of well designed and sustainable PPP the SDGs have no chances to be reached:** such pipelines are one of the corner stone of economic development and good governance
3. **But PPP have a very poor track record** in emerging economies and LDCs **despite a decade of efforts** of the international community, regions and States and despite numerous PPP institutions and “PPP Laws” in Africa



## Conditions of development of public infrastructures in Africa: Convergence with the new AfDB vision (2)

### The poor track record of PPP in LDCs (extract from World Bank statistics)

	<b>Renegotiated Concession Contracts</b>	<b>Average Time to Renegotiation</b>
<b>All Sectors</b>	<b>61%</b>	<b>1.8 years</b>
<b>Electricity</b>	<b>25 %</b>	<b>2.1 years</b>
<b>Transport</b>	<b>73%</b>	<b>2.9 years</b>
<b>Water</b>	<b>87%</b>	<b>1.3 years</b>
<b>Mega and Natural Resources Projects</b>	<b>53%</b>	<b>2.0 years</b>

**Important note:** Renegotiation in Concessions and PPP means that a contract entered into often for decades does not work anymore at the satisfaction of the parties and **characterizes in fact a project in distress** (when renegotiation becomes an “obligation” which is a substitute to termination or courts proceedings or arbitration)

(Source: Mark Moseley, Strategic Direction to the PPPIRC)



## Conditions of development of public infrastructures in Africa: Convergence with the new AfDB vision (3)

### ICoE Findings: an inclusive and innovative approach is needed

- A real “leapfrog” is necessary in the process of planning and implementing PPP for essential public infrastructure services in Africa since the infra gap is becoming abyssal
- It is possible to redress the downward trend but only with an inclusive approach taking into account the practical issues identified on the ground and leading to an innovative formulation of common best practices and standards easy to implement
- For ICoE, the new procurement vision of the AfDB based on impact driven approach leading to principle based approach and triggering together improved governance is the best way forward



## The experience of the ICoE promoters in complex infrastructure projects in Africa

- The members of the two promoters of the ICoE, **CICA and IFEJI represent probably together the largest practical and relevant experience in Africa in the last 20 years** for complex infrastructures and mining Projects at any stage of their planning development and implementation
- Individually or through IFEJI and CICA **they have participated to the design and implementation of procurement regulations and procedures** including, template contracts, bidding documents dispute avoidance and dispute resolution procedures
- For more than a decade, **they have organized working groups and task forces for the development of Concessions and PPP around the world** with a strong focus in Africa
- They have contributed to **the development of various organizations (ex: ALSF for Africa or the new WB/EU sponsored Procurement Partnership Facility)**
- They have also contributed to numerous conferences, exchanges and **capacity programs on Concessions and PPP in Africa and inter alia programs co-organized or sponsored by the AfDB**



## Sample of conferences and programs where IFEJI / CICA have played a key role for PPP development in Africa during the last decade

### Key speeches during conferences, workshops and seminars relating to Africa

- **CZECH REPUBLIC**, Prague – September 2005 (IBA Africa Regional Forum)
- **TUNISIA**, Tunis – June 2006
- **SENEGAL**, Dakar – July 2007 & May 2008
- **SOUTH AFRICA**, Cape town – May 2008
- **TUNISIA**, Tunis – June 2008
- **TOGO**, Lomé – November 2008
- **TUNISIA**, Tunis – May 2009
- **EGYPT**, Cairo – October 2009
- **FRANCE**, Paris – May 2011 (Meeting of the Infrastructure Consortium for Africa)
- **MOROCCO**, Casablanca & Marrakech – May and October 2011
- **ALGERIA**, Alger – December 2012
- **ALGERIA**, Oran – September 2013
- **IVORY COAST**, Abidjan – March 2012
- **FRANCE**, Lyon – April 2014 (OHADA Colloquium)
- **BURKINA FASO**, Ouagadougou – October 2014 and March 2015
- **FRANCE**, Paris – March 2015 (France Tanzania Business Forum)



## Sample of programs where IFEJI / CICA have played a key role for PPP development in Africa during the last five years

### *Design and implementation of full week Regional Seminars cosponsored by AfDB (ALSF, AFD and others)*

- **IVORY COAST**, Abidjan – October 2012
- **SENEGAL**, Dakar – November 2013
- **SOUTH AFRICA**, Johannesburg – June 2013

For other years and more details refer to website in progress



## Sample of conferences and programs where IFEJI and CICA have played a key role for checking and fine tuning the issues and solutions identified for Africa and common to most PPP Projects during the last 2 years

- In-depth evaluation of each of the main practical issues impairing the development of pipelines of Concessions and PPP Projects in LDCs and emerging economies:
  - **FRANCE** – Paris, January 2014
  - **JAPAN** – Tokyo, February 2014
  - **SWITZERLAND** – Geneva, February 2014
  - **BURKINA FASO** – Ouagadougou, October 2014
  - **AUSTRIA** – Vienna, March 2014
  - **UKRAINE** – Kyiv, April 2014
  - **CANADA** – Vancouver, May 2014
  - **RUSSIAN FEDERATION** – Saint Petersburg, November 2014
  - **BELGIUM** – Brussels, November 2014
  - **FRANCE** – Paris, December 2014
  - **CANADA** – Toronto, December 2014
  - **FRANCE** – Paris, February & March 2015
  - **GERMANY** – Berlin, March 2015
  - **BRAZIL** – Brasilia, April 2015
  - **BELGIUM** – Brussels, June 2015
  - **ENGLAND** – London, June 2015
  - **SWITZERLAND** – Geneva, September 2015
  - **KUWAIT** – Kuwait City, September 2015
  - **FRANCE** – Paris, September 2015
  - **FRANCE** – Annemasse, October 2015

For other years and more details refer to website in progress



## Lessons learnt and related ICoE mission

- I. **Lessons learnt and roadmap: identify much better and exchange on the real issues preventing the development of pipelines of Concessions and PPP internationally with a strong focus on Africa:**
  - **This task has been carried out since 2005** through various task forces aggregating experience and workshops and seminars with countries representatives. It has been tested internationally and ready for further exchanges with AfDB
  - **Several of the core issues remain to be much better appraised**
  - **Only a coordinated approach of all the main core issues and solutions proposed in an inclusive manner will permit to develop pipelines of Projects**
  - Many of the issues need to be addressed with an **innovative process permitting to formulate best practices in a simple and a user friendly way**
  - From there **designing templates, toolkits and standards of universal nature under the auspices of UNECE.**



## Lessons learnt and related ICoE mission (2)

### II. ICoE Mission

- **The tasks to be accomplished for implementing this new and most promising roadmap are enormous and complex**
- They need to be carried out under precise conditions of **professionalism, neutrality in close cooperation with all public and private stakeholders** including impacted communities and people
- This most ambitious mission is not organized and implemented with appropriate resources by any organization
- **It has been one of the main “raison d’être”** of the development of the Centre of Excellence concept of the UNECE in close cooperation with others UN agencies and of the promotion under the auspices of the **UNECE ICoE Concessions PPP “Policies, Laws and Institutions”**

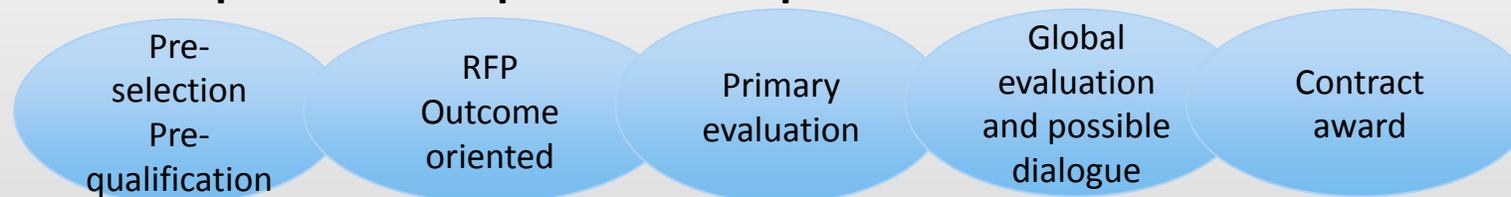


# Presentation of the Key Issues Common to the Planification Procurement and Implementation of Most Projects in Africa to be Resolved for Developing Pipelines of Projects

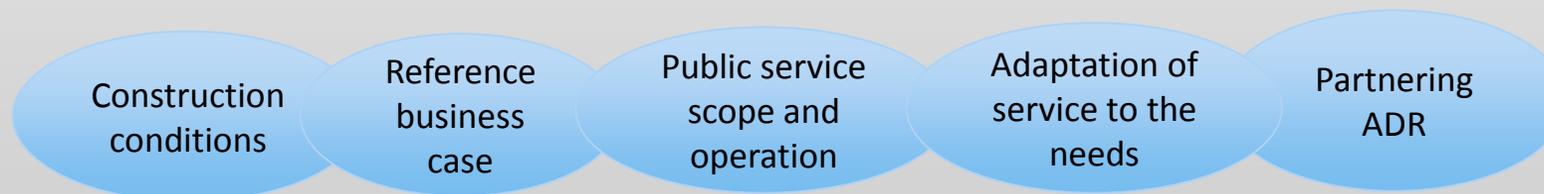
## 1. PPP preparation: procedural steps preparation



## 2. PPP procurement: procedural steps



## 3. PPP contract conditions



Source: CICA IFEJI PPP WG (tested in several workshop with over 30 countries represented)



# Presentation of the Key Issues Common to the Planification Procurement and Implementation of Most Projects in Africa to be Resolved for Developing Pipelines of Projects (2)

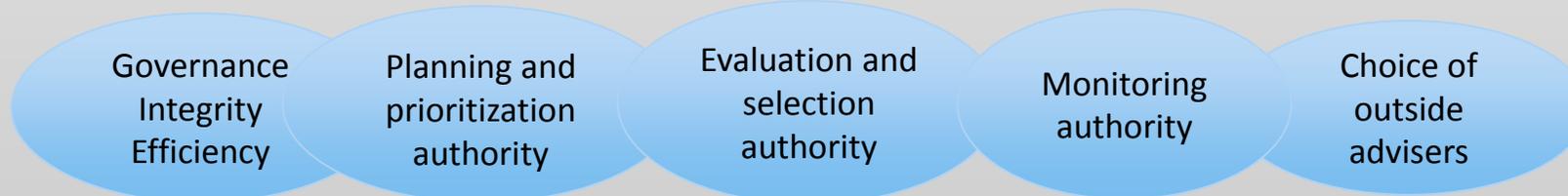
## 4. PPP legal principles governing public contract



## 5. Legal framework: investment climate



## 6. Institutional framework (sovereign and sub sovereign)



Source: CICA IFEJI PPP WG (tested in several workshop with over 30 countries represented)



## The ICoE priority work programme: contribution to the formulation of an inclusive set of best practices addressing all the core practical issues and drafting the related documentation

- This programme and precise methodology is annexed to the **UNECE mandate to the ICoE** (for more details refer to website in progress)
- The methodology includes exchanges with all stakeholders and organizations
- **The implementation of the work programme has started** through pilot projects financed by the French Ministry of Foreign Affairs:
  - **Contribution to the strategy for drafting regional framework regulations for Concessions and PPP (West Africa)** (delivered)
  - **Planning and Prioritization of Projects at State and local level** (in progress)
  - **Optimization of the use of consultancy services for complex projects** (in relation with the G7 CONNEX initiative)
- The implementation of the remaining work programme is currently under discussion both for priority and financing: **ICoE is eager to exchange on this with AfDB**



## ETIC-PPP and its role

- Implementing the ICoE program necessitate the **aggregation of the cutting edge public and private practical expertise both in Africa and internationally**
- Based on the **IFEJI experience for aggregating international public and private expertise**, numerous exchanges have taken place with a wide range of recognized public and private experts from various countries to organize multidisciplinary expert team
- Since **ICoE paramount undertaking is to comply with the UN principles including neutrality (free from particular public or private interest)**, it has been decided to create an ad hoc association under French laws, This association **“ETIC-PPP” is opened to any public and private expert justifying practical experience** on relevant projects and countries and accepting to work as a team and bound by a **very strict professional and ethical charter (in line with the G7 CONNEX initiative)**
- The members of the association also include representatives of French Ministries. Other public and private representatives from various countries have expressed interest: **any real expert is welcome to apply to the ETIC-PPP selection committee**
- **Standing offer for AfDB to become a member of ETIC-PPP**



## The participation of the ICoE to the draft of standards toward Zero Tolerance to Corruption in Procurement

- In June 2014 UNECE has set up a **Project Team for drafting standards on Zero Tolerance to Corruption in PPP Procurement**
- UNECE has gathered public representatives of more than 10 countries to participate to the working group: international experts of various organizations are also involved and more invited
- The ICoE promoters have been closely involved in the process: after several rounds of exchanges, they have drafted the main document reviewed by the group
  - **An initial list of the main issues to consider has been agreed in January 2015**
  - Thereafter, **an initial set of possible standards** to be aggregated in an anti-corruption Charter **has been drafted and updated in September 2015**, they are under review by the Project team before general public review
- **An early review of the initial draft of standards by the AfDB is welcome**



## Other ICoE missions

- 1. Development of an innovative and user friendly Knowledge Centre for all stakeholders**
  - This Knowledge Centre will not duplicate other resources Centres, platforms of exchanges and community of practices
  - In close cooperation with various organizations around the world, it will propose a **synthesis of the information considered useful** by ICoE and with ETIC-PPP.
  - **It will collect additional information and transform it in simple and easy to read concepts and knowledge essential for planning and implementing pipelines of sustainable Concessions and PPP for most countries and Projects**
- 2. Evaluation of institutional, regulatory, procedural and practical knowledge gap of countries and regions for developing pipelines of Concessions and PPPs.**
  - From many due diligence carried out for major projects, some tools have been designed and others are in preparation
  - **The flash analysis tool**, if well used, leads to conceptual and order of magnitude roadmap in less than two weeks permitting prioritization and efficient planning and development of essential projects



## Other ICoE missions (2)

3. **Regions and countries workshops for Projects planning, procurement and implementation including roadmap for institutional and legal framework and capacity building necessary for pipelines of Projects**
  - **Design and implementation of the “second generation” of very practical capacity building programs** focusing mostly on institutions and Senior officials from governments and private sector
  - Such programs are designed taking into account most recent lessons learnt in Africa and related roadmaps deriving inter alia from workshops and existing capacity building programs to which ICoE members have been main contributors throughout Africa (for instance workshops organized by ALSF, AFD, ADETEF and others in the last five years)



## The other ICoE missions (3)

- Objectives for this “second generation” of capacity building programs:
  - Bridge the gap between information (what are the issues and what-to-do) to impact orientated practical Knowledge: **focus on “how-to-do-it” realistically in the African context now and in the future**
  - Permit to easily identify the nature of Concessions/PPP to promote in priority throughout Africa and by sectors and countries: **clarifying the PPP vocabulary for all**
  - **Propose and implement tested and practical roadmaps for:**
    - **Boosting the development of priority projects** currently proposed
    - **Developing the additional legal and institutional inclusive framework** which is a condition for the development of pipelines of projects in any country



## Proposed collaboration with AfDB

- **Regular exchanges with AfDB with a view of contributing to the development in a neutral and authoritative manner of practical knowledge on the economical, institutional, legal and practical conditions of success of Concessions and PPPs in Africa :**
  - Identify gaps of information and knowledge either within the Bank staff or in countries for developing successful projects
  - Design together innovative capacity building and training programs based on lessons learnt in Africa in the last decade
  - Implement these innovative programs by using in priority ETIC-PPP resources and guarantees (and more particularly team of experts having a proven experience of training in procurement, Concessions and PPP in Africa)



## Proposed collaboration with AfDB (2)

- **Contribution of AfDB to the core program of formulation of innovative set of best practices and standards aggregating international and African experience such as:**
  - standard bidding documents for various forms of PPP essential for Africa
  - templates PPP contracts for various forms of PPP by nature or by sector
  - best practices and standards for dispute avoidance and alternative dispute resolution mechanism
  - Institutional set up for preparing and implementing pipelines of Concessions & PPP
- Contribution to the design operation procurement manuals and toolkits
- Any other collaboration

***Thank You !***

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