UNECE International Centre of Excellence PPP
“Policy, Laws and Institutions”

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ETIC-PPP Board Member
Vice-President of the French Institute of International Legal Experts (IFEJI)
Deputy General Secretary of UNECE International Centre of Excellence PPP “Policy, Laws and Institutions”
CICA: Confederation of International Contractors’ Associations: the largest representation of the contractors industry worldwide with a unique accumulated experience in public projects

IFEJi: French Institute of international Legal Experts (IFEJI): over 100 experts involved in many countries around the world. Several experts in infrastructures, concessions, mining and PPP projects in Europe and low income countries

Close relationship between CICA and IFEJI on the issues impairing the development of infrastructure concessions and PPP projects

Participation to numerous exchanges with the IFI’s and governments

Conclusion: PPP is a major challenge for the countries and the international community

- No possibility to meet the challenge without an in depth analysis of lessons learnt and development and dissemination of an inclusive set of best practices, policies, laws and institutions
Success in PPP future is dependant of innovative and proactive programs for identification of practical issues common to most projects leading to the formulation of best practices which are the cradle for future standards

Such programs must be inclusive and free of special interest

CICA and IFEJI participation to the UNECE Centre of Excellence program

- Detailed MoU on the methodology and conditions to fulfil without compromising on Excellency to formulate common best practices

- Creation by IFEJI and CICA of the ICoE in France dedicated to PPP Policies laws and institutions with the support of the French government

- Current status: non profit association pending creation of a Foundation
  - Members; French Ministry of Foreign Affairs, French Ministry of Economy, MEDEF, Paris Bar, IFEJI and CICA
First phase of development of the Centre

1. Identification of core issues common to most projects and countries
   - After several years of exchange and consultation worldwide a list has been drawn up and widely shared.

2. Identification of experts able and willing to contribute with all guarantees of ethical behaviour and neutrality: creation of a public-private association: Expert Team on Infrastructures, Concessions and PPP (ETIC-PPP)
   - ETIC-PPP is open to all experts from all around the world having a relevant proven practice in LDCs and emerging economies and committed to teamwork.

3. Conception and detailed organization of a Knowledge Center aggregating “Knowledge documents” addressing all practical aspects of PfPP planning design procurement and implementation distinguishing “Knowledge documents” from existing reference documentation on PPP
International Center of Excellence on PPPs (Foundation under French laws)

- Governance council membership: Equal participation public/private and national/international
- Minimized management costs

Consultancy/service contract for the implementation of work program of the

MOU signed on May 21st 2015 for creation and operation of the International Center of Excellence on policies, laws and institutions

Ethical rules and implementation undertakings

Visa on the program and on key conditions for its implementation

Design of the programme in accordance with the UNECE mandate

ETIC-PPP (Expert Team of International Concession and PPPs)
- Legal structure: non-profit association under French laws
- Membership: international senior experts covering the whole range of PPP issues including investment climate, etc. (continuity from CICA/IFEJI WB).
- Commitment to comply with ethic rules as developed by the association (articles, bylaws and charter).

United – Nations (UNECE)

Governance council membership: Equal participation public/private and national/international
Minimized management costs

Coordination Unit

Ethical rules and implementation undertakings

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Second phase: development of a phased work program

- After numerous exchanges and workshops with countries, the development community and UNECE, a **blue print program** has been set up (in addition to the ongoing development of the Knowledge Centre)

- After prioritization part of the work program has been further developed into **terms of reference with clear deliverables** (in areas where no similar programs exists).

- **Four main “knowledge document” produced** formulating policies, best practices and templates

  1. Evaluation and strategy for a regional PPP Framework law for West Africa (in French)
  2. Report on **planning and prioritization of PPP** in LDCs
  3. Expert and consultancy advice in low income countries for drafting regulations and developing people first PPP projects meeting the SDGs: a **major issue deserving innovative approaches**
  4. List of clauses and guiding principles for concessions PPP (PfPPP)
Second phase: Other activities of the Center

• Close participation to development of standards Zero Tolerance to Corruption in PPP procurement

• Best practices for Evaluation on benefits and pitfalls on Design and built and Design, Build and Operate as a part of the public sector comparator for PPP.

• Master Classes in Africa and France on project development, Concessions and PPP

• Various best practices on PfPPP Procurement in relation with the need of dialogue

• Special focus on
  o Latin America: (joint mission with UNECE)
  o Africa :( joint mission with UNECE)
  o China : several exchanges in China, France and Geneva through UNECE inter alia with the NDRC and blueprint of exchange and work program
### Index on the Center views on level of international achievements by reference to the list of issues for PfPPP

<table>
<thead>
<tr>
<th>List of Issues</th>
<th>Progress Status as of December 2017</th>
<th>Comments</th>
<th>Organize Dissemination</th>
<th>Organize master classes, reinforcement of capacity and bespoke expert advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Planning and Prioritization</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2. Socio economic order of magnitude</td>
<td></td>
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<td></td>
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<tr>
<td>3. Prefeasibility</td>
<td></td>
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<tr>
<td>4. Inclusive economic and financial scenario</td>
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<tr>
<td>5. Decision to tender</td>
<td></td>
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</tbody>
</table>
Index on the Center views on level of international achievements by reference to the list of issues for PfPPP (2)

<table>
<thead>
<tr>
<th>List of Issues</th>
<th>Progress Status as of December 2017</th>
<th>Comments</th>
<th>Organize Dissemination</th>
<th>Organize master classes, reinforcement of capacity and bespoke expert advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. <strong>Preselection and prequalification</strong></td>
<td></td>
<td></td>
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<tr>
<td>7. <strong>RFP outcome oriented</strong></td>
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<tr>
<td>8. <strong>Stage evaluation</strong></td>
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<tr>
<td>9. <strong>Global evaluation and possible dialogue</strong></td>
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<tr>
<td>10. <strong>Contract award</strong></td>
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</tbody>
</table>
Index on the Center views on level of international achievements by reference to the list of issues for PfPPP (3)

<table>
<thead>
<tr>
<th>List of Issues</th>
<th>Progress Status as of December 2017</th>
<th>Comments</th>
<th>Organize Dissemination</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Construction Conditions</td>
<td></td>
<td></td>
<td>Organize master classes, reinforcement of capacity and bespoke expert advice</td>
</tr>
<tr>
<td>12. Reference Business case</td>
<td></td>
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<td></td>
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<tr>
<td>13. Public service scope and operation</td>
<td></td>
<td></td>
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<tr>
<td>14. Adaptation of service to the needs</td>
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<tr>
<td>15. Partnering ADR</td>
<td></td>
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</tbody>
</table>
## Index on the Center views on level of international achievements by reference to the list of issues for PfPPP (4)

<table>
<thead>
<tr>
<th>List of Issues</th>
<th>Progress Status as of December 2017</th>
<th>Comments</th>
<th>Organize Dissemination</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Economic Equilibrium</td>
<td></td>
<td></td>
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<tr>
<td>17. Public Service Priority</td>
<td></td>
<td></td>
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<tr>
<td>18. Sovereign rights of the Public Authority</td>
<td></td>
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<tr>
<td>19. Special rights of project company</td>
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<tr>
<td>20. Outside regulation</td>
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<td></td>
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</tbody>
</table>
Index on the Center views on level of international achievements by reference to the list of issues for PfPPP (5)

<table>
<thead>
<tr>
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<th>Progress Status as of December 2017</th>
<th>Comments</th>
<th>Organize Dissemination</th>
<th>Organize master classes, renforcement of capacity and bespoke expert advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Due process, fair trial and arbitration</td>
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<tr>
<td>22. Expropriation and security of tenure</td>
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<tr>
<td>23. Grantings of permits and authorizations</td>
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<tr>
<td>24. Tax and custom status</td>
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<tr>
<td>25. Stability of regulations</td>
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</tbody>
</table>
Index on the Center views on level of international achievements by reference to the list of issues for PfPPP (6)

<table>
<thead>
<tr>
<th>List of Issues</th>
<th>Progress Status as of December 2017</th>
<th>Comments</th>
<th>Organize Dissemination</th>
</tr>
</thead>
<tbody>
<tr>
<td>26. Governance, Integrity, Efficiency</td>
<td></td>
<td></td>
<td>Organize master classes, reinforcement of capacity and bespoke expert advice</td>
</tr>
<tr>
<td>27. Planning and Prioritization Authority</td>
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<tr>
<td>28. Evaluation and selection authorities</td>
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<td></td>
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<td>29. Monitoring authorities</td>
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<td></td>
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<tr>
<td>30. Choice of outside advisers</td>
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1. Contribution to the definition of PfPPP

2. Contribution to the finalization of Guiding principles

3. Drafting Standard conditions of contract for PfPPP (only for Concession family)

4. Drafting best practices for Regional and cross-border projects

5. One Belt One Road Project: ToR on a list of issues already identified (inter alia with NDRC) leading to work stream under the UNECE umbrella

6. PfPPP Executive Master Class

7. PfPPP project assessment and compliance
Challenges: more exchanges and necessary funding for success

1. Improve communication and exchanges between UNECE Center of Excellence program and the ICoE in France
   • Focal point in Geneva for developing common policies, laws, and institutions for PfPPP (always meeting the SDG’s)

2. Improve relationships with specialized Centre and Project Teams examples
   • Before research and intellectual production, the ICoE in France ready to share the outcome of research on the most advanced “chapeau issues” common to all sectors and countries
   • Engage with them for proposing a framework of cross fertilization for identifying relevant information and knowledge documents

3. Hold regular meetings to update priorities, work program and financing through an ad hoc steering committee under the Geneva umbrella

4. Identify and engage together with funding sources based on agreed ToR in area of common interest leading to the development of pipelines of PfPPP in LIC’s and MIC’s
Thank You!

Me Marc Frilet

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