

P0012-ODP2-Stakeholder mobilization details

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1. Objectives

Project purpose

The purpose of the project is to draw up and draft a standard model concessions law ("Model Law for PPP/Concessions"). New concessions laws have been enacted by many countries in the past 25 years, but vary widely in quality and content. Some of the more recent ones are very well structured and thought-through. Others, particularly less recent ones, are more deficient. Many countries are now introducing laws of this kind, as part of the process of launching new PPP programmes. This is therefore an opportune time to draw up a standard model form law of this kind, taking into account the most helpful, respected, tried-and-tested precedents in existence.

The Model Law for PPP/Concessions would be available for governments to draw on as they prepare (or revise) their own laws of this kind, providing both conceptual and structural guidance and precedent provisions. Its function would be to serve as a source of guidance and example, not as a ready-made, 'off-the-shelf' piece of legislation. It would need to be adapted as appropriate to each jurisdiction. In this way, it will provide invaluable assistance to countries embarking on PPP programmes for the first time, as well as those looking to improve existing frameworks, and will represent an up-to-date, first-rate standard of PPP legislation of this type. It will stand as a major contribution to the contemporary corpus of publicly available materials and guidance notes on this subject.

Project scope

The project's initial activity will be to identify support for or against the creation of a Model Law for PPP/Concessions and its ability to promote People First Public Private Partnerships in furtherance of the United Nations Sustainable Development Goals. Members of the team are invited to put forward their views on this question at the earliest opportunity.

The second, substantive activity will be the drafting of a coherent, wide-ranging, Model Law for PPP/Concessions. Various publications in the past (e.g. the UNCITRAL guides) have provided guidance as to the areas such laws should address, the advantages and pitfalls of different types of clause, and the issues affecting them. However, a systematic review of existing approaches and proven precedents, compiled and reflected in a single model concessions law, has not been undertaken outside the CIS countries (where a new 'CIS Model Law' of this kind has recently been developed). Nor have any efforts to date focused on furthering the UN Sustainable Development Goals. The aim of the project would therefore be to draw up the provisions themselves, setting out a reasonably complete set of precedent clauses and a supporting implementation commentary, based on a compilation and synthesis of empirical evidence, and focused on the achievement of the UN Sustainable Development Goals.

2. References