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PPP Institutional, Legal, and Regulatory Frameworks in FCS

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PPP Policies, Laws and Regulations in FCS

Many economies, including several FCS have made significant efforts in recent years to improve their investment environments for public-private partnerships (PPPs). These efforts are reflected in reforms to their PPP legal and institutional frameworks. According to [Benchmarking Infrastructure Development 2020](#), these recent reforms have brought them closer to internationally recognized good practices. The report states, for example, that some FCS, such as Lebanon and Chad, enacted new PPP laws and regulations that resulted in significant improvements in the quality of their PPP frameworks as measured by the survey. Other FCS have passed reforms establishing dedicated PPP units (Democratic Republic of Congo, Ethiopia and Lebanon). For details see [Benchmarking Infrastructure Development](#) as well as [The State of Infrastructure Public-Private Partnerships in Countries Affected by Fragility, Conflict or Weak Institutions](#).

- PPPRC provides links to many [PPP laws and regulations](#) drafted and enacted by FCS that support private investment in infrastructure as well as links to the respective dedicated [PPP units](#).
- More detailed PPP legal framework snapshots [\(A-C\)](#) [\(D-R\)](#) [\(S-Z\)](#) are available for several FCS: [Burundi](#), [Burkina-Faso](#), [Cameroon](#), [Chad](#), the [Central African Republic](#), [Comoros](#), [Congo Republic](#), [Eritrea](#), [Ethiopia](#), [Guinea](#), [Guinea-Bissau](#), [Libya](#), [Mali](#), [Mozambique](#), [Niger](#), [Nigeria](#), [Somalia](#), [South Sudan](#), [Sudan](#), [Timor-Leste](#) and [Zimbabwe](#).

Sector-specific policies, laws, regulations and guidelines in FCS

Many infrastructure projects in FCS are small energy, water, waste, or information and communications technology (ICT) projects. These projects are typically governed by sectoral policies and laws, and administered by the relevant ministry or municipal authority. Often guidelines have been developed for private investors that explain the regulatory framework in the respective country.

ICT

Myanmar

- [Myanmar: Telecommunications Reform](#), Public-Private Partnership Briefs, World Bank Group and PPIAF, May 2015 - As the ICT sector and telecommunications operators specializing in mobile telephony tend to be the first to arrive in post-conflict settings, it is important that government reforms and regulatory approaches facilitate these investments and begin to change country risk ratings and investor perceptions. The brief describes how the WBG together with PPIAF helped with the development of Myanmar's ICT sector by creating the enabling policy alongside the regulatory and legal environment for a more competitive telecommunications market in Myanmar. This assistance led to the finalization of key regulations providing a legal basis for the implementation of sector liberalization. With the regulatory framework and capacity-building initiatives in place, the Myanmar Post and Telecommunications Department (PDT) launched a competitive, transparent licensing issuance process for the selected bidders. The respective [Laws and Regulations](#) are published on the website of PDT.

Power

Economic Community of West African States (ECOWAS)

- [ECOWAS Renewable Energy Policy, \(Politique d'énergies Renouvelables de la CEDEAO\)](#) ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) 2015 - This policy on renewable energy intends to ensure increased use of renewable energy sources such as solar, wind, small-scale hydro and bioenergy for grid electricity supply and for the provision of access to energy services in rural areas. The policy also aims to assist the ECOWAS Member States to develop appropriate regulatory frameworks for the promotion of renewable energy technologies and services, thus reinforcing regional integration in the renewable energy sector. Many African FCS are members of ECOWAS.
- [ECOWAS country policies related to the sustainable energy for all \(SE4All\) initiative.](#)

Ethiopia

- [National Electrification Program \(NEP\) 2.0: Integrated Planning for Universal Access, 2019](#) - The NEP is an action plan launched in 2017 for achieving universal electricity access nationwide by 2025. By 2025, the plan is for 65 percent of the population to have electricity through the grid, and the other 35 percent through off-grid technologies - stand-alone solar systems and mini-grids. While the Ethiopian Electric Utility (EEU) will be the primary implementing agent for the grid program, off-grid scale-up will see the coordination and partnership of public and private efforts. To promote private sector participation the government has put in place a [PPP legal and regulatory framework](#) in 2018. It is working on preparing a transparent and competitive procurement framework (auction-based bidding procedures, for relevant technologies, as feasible) which is expected to become the default methodology for procuring PPPs. The government is working closely with key sector stakeholders to review existing commercial and banking regulations that may impact development of Independent Power Producers (IPPs) in the country. Finally, a dedicated IPP unit has been established at the EEU which would become the primary counter-party to the IPPs. The government has already established PPPs for the transformation of energy project financing and implementation and intends to develop future geothermal, hydro, solar and wind power generation projects by private IPPs utilizing project finance modalities, where the public sector will focus on regulatory and off-taker roles. The mini-grids program will feature public and private actors, PPPs as well as cooperatives models, to be pursued through the establishment of an enabling environment.

Liberia

- The [2015 Electricity Law](#) established the Liberia Electricity Regulatory Commission as the sector regulator with the authority to issue licenses and set cost-reflective tariffs. The West African nation of Liberia is among the world's poorest countries. Its two civil wars devastated most of its infrastructure, economy, and institutions, leaving the Liberian population in extreme poverty. At the end of the second war in 2003, most of the country's electricity generation, transmission, and distribution assets were destroyed. With support from donors, including USAID and the World Bank, the government began rebuilding its electricity infrastructure through the Emergency Power Programs (2006–12). This support led to the installation of high-speed diesel generators and basic transmission and distribution infrastructure to restore power in Monrovia, the capital. The Liberian government adopted the National Electrification Strategy in late 2020, confirming its commitment to providing universal access to electricity through grid and off-grid options and calls for private participation in the power sector. ([Liberia: Driving Universal Electrification](#), PPIAF 28 April, 2021)

Iraq

- [Legal Guide to Investing in Power Generation in Iraq](#), developed by the Commercial Law Development Program (CLDP), the World Bank, Opic, Mayer Brown, Alnowais Investment, BHC Law Firm 2016 - The Legal Guide to Investment in Power Generation in Iraq together with the [Legal Guide to Investment in Iraq](#) (bilingual Arabic-English, CLDP 2015) intend to promote foreign

investment in Iraq. It focuses on the power sector that is in particular demand by the people of Iraq and accordingly can benefit from private sector involvement. Specifically, Iraq has suffered, in the past decade, from a chronic power shortage, which has not been alleviated from traditional public sector development and operations. Given the significant gap between supply and demand for power, as well as the Iraqi government's commitment to this sector, investment in power generation offers considerable opportunities for investors willing to assume associated risks. The Legal Guide intends to provide a general introduction and up-to-date overview of certain aspects of the structuring and legal regime for investment in power generation in Iraq.

Water

Cameroon

In 2005 the government of Cameroon adopted a new PPP approach in the water sector that is built on a triangular relationship between the government of Cameroon, a state-owned company and a tenant farmer that will be organized around two main contracts:

- [Contrat de Concession de Travaux Publics et de Gestion du Patrimoine de l'Hydraulique Urbaine et Periurbaine au Profit de la Camwater](#) (contract of concession and management of infrastructure) for the provision of water services in Cameroon between the government of Cameroon and the state-owned company, Cameroon Water Utilities Corporation (Camwater), which is a state-owned asset holding company in charge of managing the property and rights concerning the drinking water service in urban and suburban areas, and is responsible for the construction, maintenance and management of infrastructure, capture, production, storage and transportation of potable water.
- [Affermage contract \(contrat d'affermage\) for urban and peri-urban water supply](#) - Leasing contract between the government of Cameroon, Camwater, and Camerounaise Des Eaux (CDE), a limited company. The affermage contracts entrusts CDE with the production and distribution of drinking water in urban and suburban areas. The affermage is for a term of 10 years commencing in May 2008 and covers 106 urban and peri-urban centres.

[Decree no 2005/493 of 31 December 2005](#) lays down the procedures for delegation of public services of drinking water and sewerage in urban and suburban areas and makes provision for the creation of the two companies. The state-owned company Camwater was created by [decree no 2005/494 of 31 December 2005](#). Further legal documents and information are available on the website of [Camwater](#).

For more global examples on sector-specific laws and regulation see:

- [Energy Laws and Regulation](#)
- [Telecommunications - Laws, Regulations and Licenses](#)
- [Transport Policies, Laws, and International Agreements](#)
- [Water Sector Regulation](#)

Related Content

- [PPPs in Fragile and Conflict-Affected States \(FCS\)](#)
- [Models for Private Sector Engagement in FCS](#)

- [Success Factors for Private Engagement in FCS](#)
- [PPP Institutional, Legal, and Regulatory Frameworks in FCS](#)
- [Sample PPP Project Documents, Contracts and Contractual Provisions in FCS](#)
- [Case Studies in FCS](#)
- [Further Reading and Resources on FCS](#)

Additional Resources

- [Infrastructure in Fragile and Conflict-Affected States](#)

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