

# PPP Policy, Legal and Institutional Frameworks in Asia and the Pacific



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## ABSTRACT

Developing an enabling environment is critical for the success of a PPP programme and requires actions from governments to strengthen policy, legal and institutional frameworks while considering the financial mechanisms that could back PPP development. To learn from country experiences, the paper analyses the latest development in these areas and presents the results of a survey conducted with more than 20 PPP units in Asia and the Pacific. Concerning the PPP policy and legal frameworks, the paper highlights that two main approaches have been followed. While most countries in the region have opted for enacting a specific piece of legislation, other countries have decided to work with policy guidelines. With regard to institutional arrangements, the paper identifies that around 50 per cent of the region's countries have established dedicated PPP units, which are considered instrumental to build the required expertise for developing a PPP programme. These units vary, however, widely in terms of size and location, and do not perform the same functions in every country. The paper also highlights that PPPs are rarely neutral from a budgetary point of view and that financial support is often needed. This support is broadly divided into three categories with the following objectives: to provide resources to prepare projects; enhance financial viability; and cover risks that the private sector is not ready to bear. Recognizing the potential fiscal impact of PPP projects, some countries have set-up mechanisms to manage related contingent liabilities; although this area remains largely a work-in-progress in the region.

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# INTRODUCTION

While some countries have been successful in pursuing the PPP route, others have faced difficulties in attracting private interest.

Although several factors might explain these differences, an important one is the active role played by some Governments to introduce a set of policies, which can ultimately create an “enabling environment” for PPP development. Based on international experience, the said enabling environment can be characterised by:

- a clear policy orientation creating a stable and long-term vision while offering perspective as regards the flow of projects to be developed under a PPP mechanism ;
- a legal and regulatory framework providing clarity for government actions and assurance for the private sector that its legitimate right will be adequately protected ;
- a supportive institutional arrangement whereby internal capacity is built and responsibilities are assigned for promoting, implementing and managing PPP projects ;
- a body of financial support measures that will make projects sufficiently profitable and safe for attracting private interests while preserving fiscal stability;

To make the most of the PPP mechanism, Governments therefore need to take measures to enhance their PPP enabling environment while building internal capacity. The latter is particularly important as a strong public partner is needed to structure projects that will achieve development impact, allocate risks adequately and improve services overall (i.e. quality, coverage and access).

The following section examine the state of PPP development in the region and review the different approaches followed by countries to develop a PPP enabling environment in order to draw lessons for future policy orientations. The results are based both on publicly available information collected from 42 countries in the region as well as from the results of a survey conducted by ESCAP in December 2016 to which more than 20 countries participated.<sup>1</sup>

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# 1 POLICY AND LEGAL FRAMEWORKS

Governments need to define their vision and strategy regarding PPP. They need to address questions such as: what are the objectives and sectors targeted; what types of PPP are envisioned and who is the competent authority to approve PPP projects.

Governments also have to clarify how PPP projects will be implemented. For instance, implementing agencies need to understand how to tender projects. Therefore guidelines have to be provided to ensure a fair, transparent, and competitive bidding process. Dispute resolution mechanisms should also be in place to deal with differences that will inevitably arise between the public and private partners during the life of a long-term PPP contract.

To provide such clarity, governments have different options: they can enact a dedicated law or adopt a policy document. While a law provide a stronger basis, policy documents are more easily modified, which might be useful in the early days of a PPP programme.

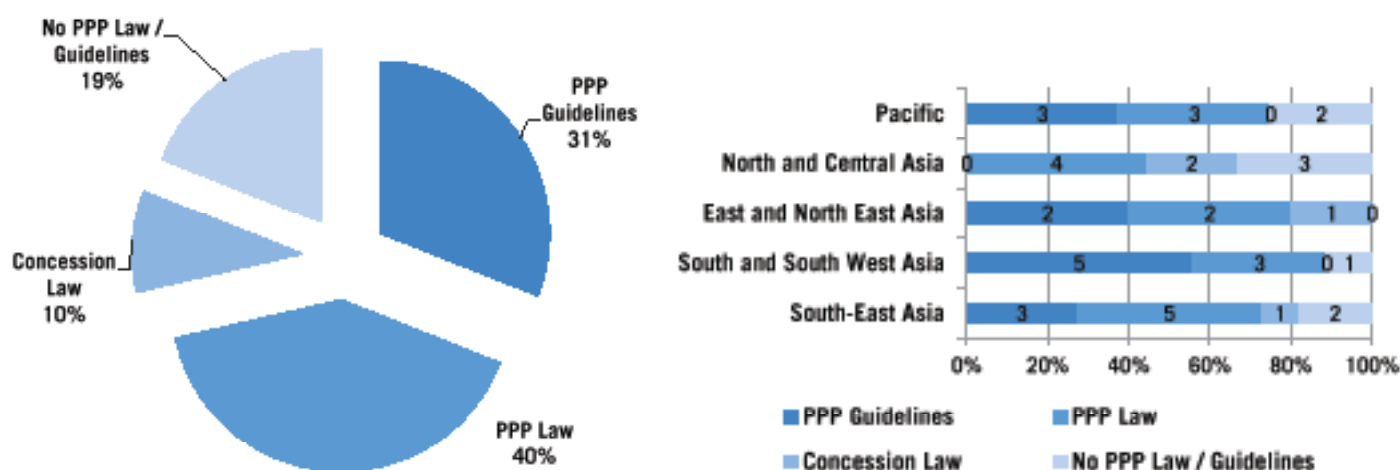
The development of policy, legal and regulatory frameworks is also critical to secure high-level political support, which is key to the success of a PPP programme. In particular,

such support helps to tackle internal and external resistance to private sector involvement in public services delivery. A stable environment is also important to give comfort to the private sector that the government is unlikely to stop a project in the middle of a transaction process or revoke a contract approved by a former administration.

Recognizing the importance of creating a PPP enabling environment, Governments in the region have devoted significant effort to further develop their PPP frameworks. For instance, at least 8 countries have enacted or adopted new PPP policy and law between 2015 and 2016.

Overall, there is somehow a balance between the countries opting for a PPP law and the ones working with guidelines although there are differences at the sub-regional level (Figure 1). For instance, PPP environment is governed primarily by laws in Central Asian countries while South and South West Asian countries have been using guidelines more extensively (e.g. India).

Figure 1: PPP Frameworks in Asia and the Pacific



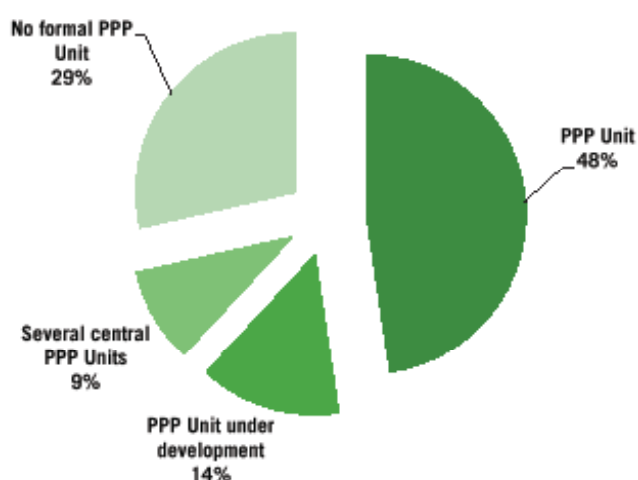
Source: ESCAP's PPP review of 42 countries in Asia and the Pacific

# 2 INSTITUTIONAL ARRANGEMENTS

Many governments have established specialized Units or Programmes to develop and supervise PPP projects, which have generally been successful in playing a ‘catalytic’ role in promoting and developing PPP solutions. They have been particularly relevant in building internal capacity as they allow the concentration and availability of required expertise through the accumulation of experience and the possibility of adequate training. In some cases establishing a dedicated PPP unit might however not be financially sustainable if the project deal flow expected is very low.

In the region, around 50 per cent of the countries have created PPP units and several countries are in the process of establishing one (Figure 2). These units differ however significantly regarding their location, size and responsibilities. Also some countries, such as Turkey and Indonesia, have established more than one central PPP unit, each of them having a specific role with regard to the PPP Programme (e.g. pipeline development and fiscal assessment). Such dispersion of responsibilities might however create extra coordination difficulties.

**Figure 2: PPP Institutional Arrangements in Asia and the Pacific**

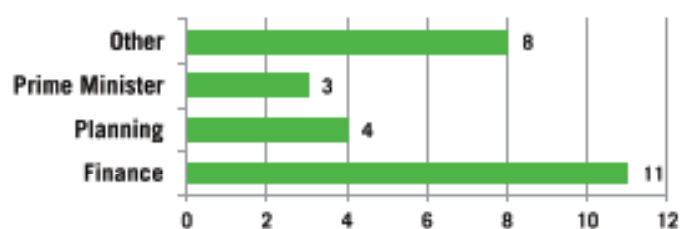


## 2.1. PPP Unit characteristics

### a) Location

There is no established rule on where to locate PPP Units. These units can be based in government ministries or created as independent bodies. It depends very much on the organization of each country and the degree of freedom the government wants to give to these units. It can nevertheless be observed that PPP Units in majority have been developed under the Ministry of Finance due to the budget implications of PPP projects.

**Figure 3: PPP Location**



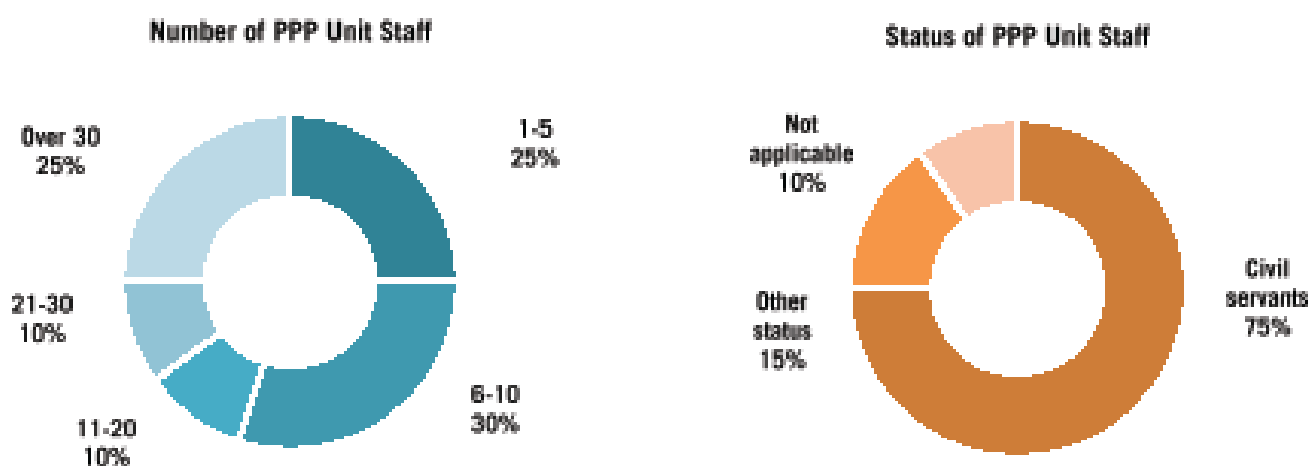
It’s worth noting that PPP Units have also been created in sub-national and sector entities often to support the implementation of large PPP programmes at these levels. Of the 21 surveyed countries by ESCAP, more than half of them have established PPP units at different levels: 3 countries had PPP units both at the subnational and sector level, 3 only at the sector level and 5 countries at the sub-national level.

Independently of whether there is a PPP unit at the sector level, line ministries continue to play a leading role in PPP projects as the central PPP unit is mainly providing support. The ultimate responsibility remains with the implementing agency. Developing a full-fledged unit at a sector level however can make sense when there is a substantial pipeline of PPP projects expected.

## b) Staff

On average, PPP units do not have a large number of staff. According to the survey results, the most common size ranges between six to ten people (Figure 4), but some countries like Malaysia and the Republic of Korea have over 100 people in their PPP unit. The survey found that majority of PPP units are largely staffed by civil servants with possibly more rigid public sector salary system, and only a few countries like Afghanistan and Kazakhstan have systems providing greater flexibility to attract and keep technical expertise.

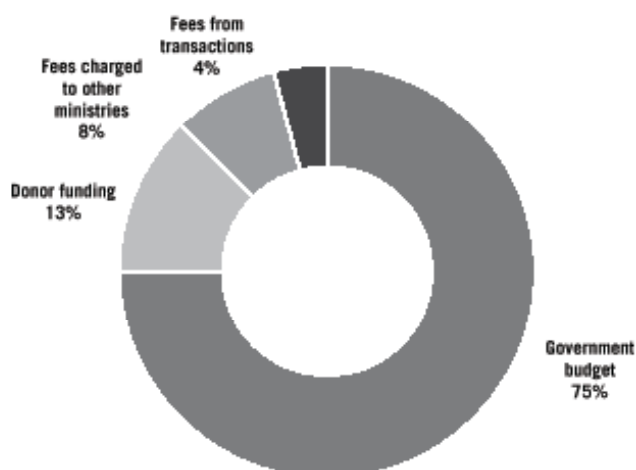
Figure 4: PPP Staffing



## c) Funding

The major funding source of surveyed PPP units is the government budget (Figure 5). Other sources of financing include funding from transaction fees and/or fees charged to other agencies in addition to the government budget. Depending on the functions and number of staff, an annual budget of PPP units range widely from about \$26,000 to \$2,000,000.

Figure 5: Funding source



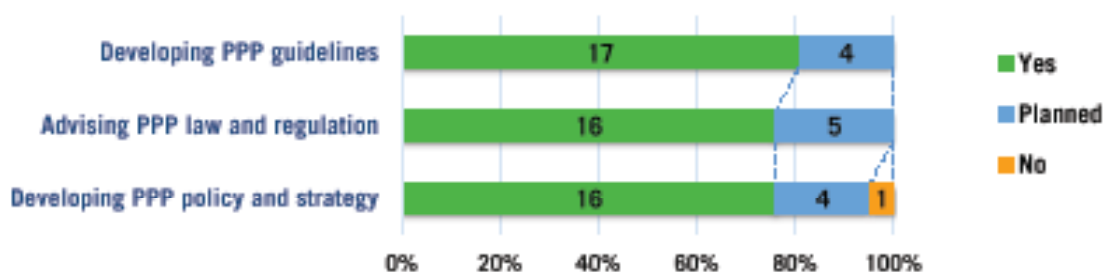


## 2.2. Function

PPP units can be responsible for a wide range of functions, including: 1) policy formulation, 2) standardization, 3) coordination, 4) capacity building, 5) promotion/dissemination, 6) technical support, and 7) quality control. The sections below review the current state in the Asia-Pacific region.

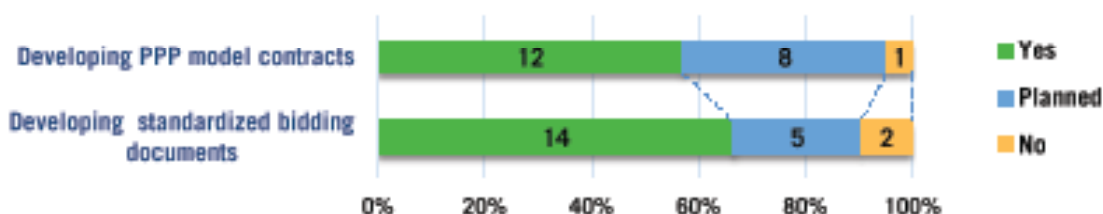
### a) Policy Formulation

On average, about 80% of surveyed PPP units support policy formulation, including developing PPP guidelines and law as well as national PPP policy and strategy. Nearly all PPP units are in charge of developing guidelines to support implementing agencies, provide clarity regarding the allocation of responsibility and stimulate market interests for PPP projects.



### b) Standardization

Standardization of documentations increase efficiency for the public sector and reduce transaction costs, and consequently, ensure high quality standards. Some countries have standardized bidding documents and contracts for that purpose. For example, India has been successful in developing “model concession agreements,” which are ready-to-use contracts. Because the contract provisions are well known by all stakeholders, including lenders, the negotiation process is accelerated. Over half of surveyed PPP units have developed PPP model contracts and standardized bidding documents, and most of the rest are planning to do so.



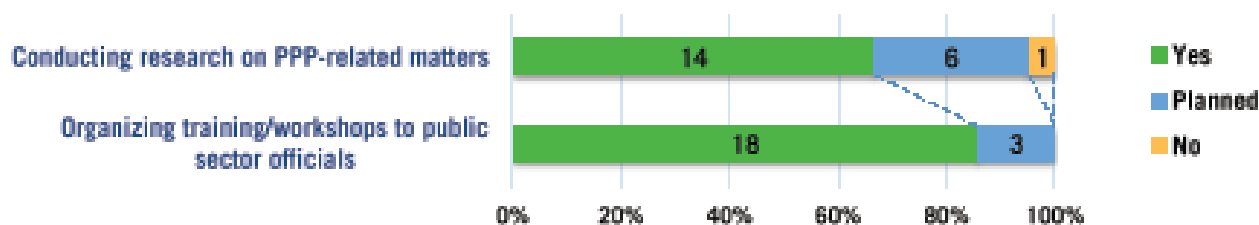
### c) Coordination

Ensuring coordination across all the relevant players, including implementing agencies and investors, can facilitate the implementation of PPP projects while improving the coherence and consistency of a country PPP programme. PPP units may support the coordination among all government agencies involved

in the development of a project, which can be a long list, often including Line Ministries, Planning Ministry, Ministry of Finance, Environment Department, Law Ministry, and so on. However, less than half of surveyed PPP units currently take a coordination role. While a quarter of PPP units plan to take coordination role, over 30% of them do not plan to do so.

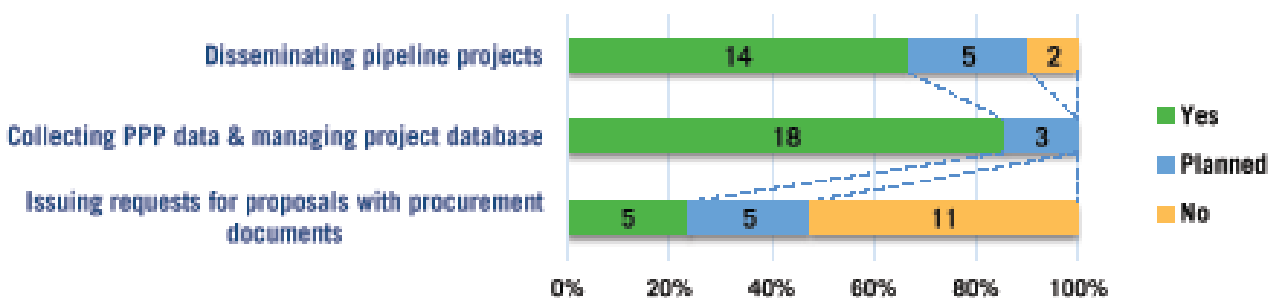
#### d) Capacity Building

PPP Units also promote PPP solutions internally through raising awareness among government officials on the potential of PPPs as procurement mechanisms, and supporting capacity building programmes. For example, PPP Units can be involved in administering training programs designed to build the capacity of government officials in developing and implementing PPP projects. All the PPP units surveyed provide, or plan to provide, training to public sector officials to help develop their expertise. Two third of the PPP units conduct research on PPPs to provide practical information.



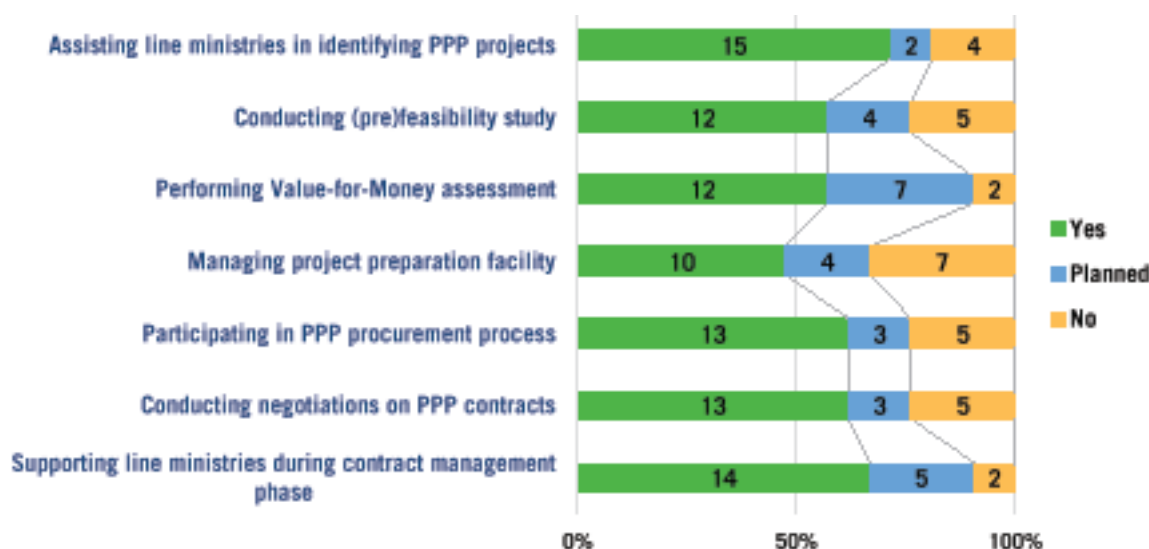
#### e) Promotion and Dissemination

The function of PPP Units is also to promote the use of PPPs within a country. To do this, PPP Units often assist with the development of well-prepared pipelines of projects that can be marketed to investors. Such marketing can be done through publications and online platforms that provide information on upcoming projects. Among the PPP Units surveyed, the vast majority (18 out of 21) are involved in collecting PPP project information and managing databases, which are necessary to monitor the progress of a PPP programme. Over two thirds also disseminate a pipeline of PPP projects, thereby contributing to increase bidder interests. PPP units can also serve as entry points for investors willing to learn more about infrastructure projects in a country. However, only five PPP units are directly involved with the issuance of requests for proposals, which seem to remain the prerogative of the implementing agency.



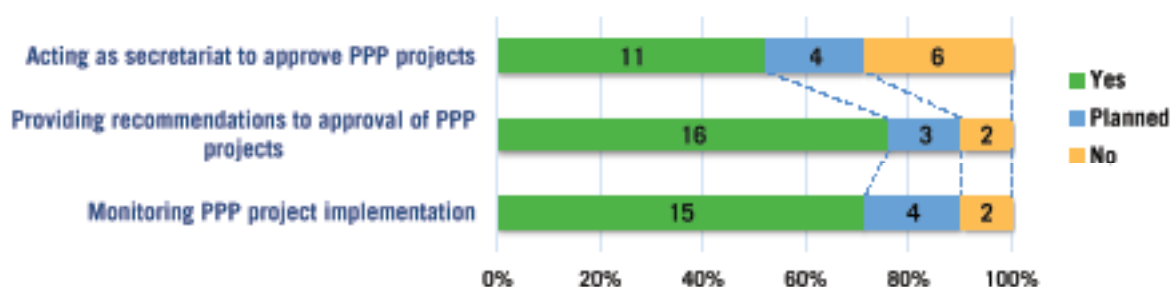
### f) Technical Support

On average, about 60% of PPP units surveyed provide technical support during the entire project life cycle – identification, preparation, procurement and contract management. For instance, the survey found that PPP units play a significant role during the project identification phase to help line ministries identifying projects suitable for PPPs and several units intend to perform Value-Money assessment. They also provide technical support for developing PPP projects—for example, to draft a business cases and prepare bidding documents. To provide such technical support, PPP Units often rely on external expertise. Around half of the PPP units have the responsibility to manage a project preparation facility that can be used to contract transaction advisors. While PPP units do not necessarily issue tender documents, most of them are though involved in the procurement process and negotiation of PPP contracts.



### g) Quality Control

The PPP unit can also be assigned the role of screening project proposals submitted by government contracting agencies to assess whether such projects are suitable for PPP implementation. To be effective in their screening roles, PPP Units need to be involved in the approval processes of PPP projects. In this respect, PPP Units often support the approval committees (typically the Cabinet or an inter-ministerial committee). Over 70% of surveyed PPP units provide recommendations for approval of PPP projects although only half of the PPP units act as a secretariat for the decision body approving PPP projects. Some monitoring tasks can also be delegated to the PPP Unit, for example to check if the PPP programme is meeting its objectives. .



# 3 FINANCIAL SUPPORT MECHANISMS

An important aspect of a PPP enabling environment involves financial support mechanisms, which can be broadly classified in three categories.

- First, Project Development Facilities have been established to provide the required resources to prepare PPP projects. These facilities usually serve to recruit consultants in order to access expertise not available internally. Consultants might be legal advisors recruited to draft the PPP contract, technical advisors recruited to develop project specifications, or financial advisors recruited to evaluate financial proposals received from bidders. By establishing dedicated facilities like these, governments ensure resources can be quickly mobilized and are not dependent on the yearly national budget cycle. Multilateral development banks have often provided grants to support these facilities. Revolving mechanisms have also been created to ensure their replenishment (for example, the development costs are recovered from the winning bidder in some countries).
- Second, support may also be required to ensure a project is financially attractive. Tax exemptions or reduced import duties can be granted for this purpose. The

government might also decide to cover partial project costs through “viability gap funding” for projects that are economically but not financially viable because they lack the ability to raise the requisite revenues to cover project costs. In such case, viability gap funding mechanisms fill the gap necessary to make these projects financially viable. Construction subsidies and compensation for bid costs are also ways to improve the attractiveness of PPP projects for private investors. Governments have also provided support for the acquisition of land.

- Third, guarantees have been provided to cover risks that the private partner is not ready to take on. For example, guarantees have been used in certain countries to cover foreign exchange risks, debt repayment and minimum revenue/demand.

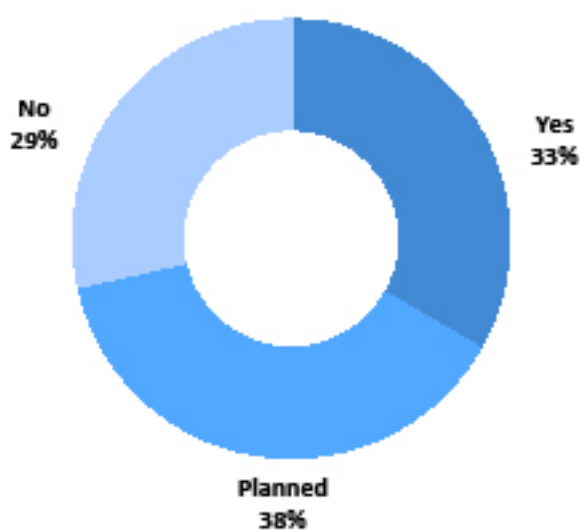
The table below outlines the current situation of financing support mechanisms in selected countries. In addition, several of these countries are in the process of establishing additional mechanisms (e.g. Lao PDR). Countries can also provide such kind of support on a project to project basis if required (e.g. Pakistan) without having institutionalized mechanisms.

	Project preparation/ development facility	Support fund (e.g. viability gap funding mechanisms)	Government guarantees for private creditors
Afghanistan	Yes	Yes	
Bangladesh	Yes	Yes	Yes
Brunei Darussalam			
Cambodia	Yes		
India	Yes	Yes	
Indonesia	Yes	Yes	Yes
Kazakhstan	Yes		Yes
Korea, Rep. of			Yes
Lao PDR			
Malaysia		Yes	
Mongolia			
Nepal			
New Zealand			
Pakistan			
China	Yes		
Philippines	Yes	Yes	
PNG	Yes	Yes	Yes
Tajikistan	Yes		
Thailand	Yes		
Turkey	Yes		Yes
Vietnam	Yes	Yes	Yes

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However, these financial support mechanisms may create liabilities for governments in the long run, and there is a clear need to closely monitor the impact of these mechanisms on public finance (for instance through proper accounting and reserves). According to the survey results, one third of surveyed countries are equipped with a mechanism to manage contingent liabilities such as public guarantees provided for PPP projects to ensure fiscal prudence while over another third of them are planning to set up a system to mitigate risks to filter fiscally irresponsible PPP projects (Figure 6).

**Figure 6: Mechanism to manage contingent liabilities**



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# 4 DETAILED COUNTRY REVIEW

The section presents a snapshot of PPP institutional and regulatory frameworks in the region, including the list of the PPP Units as of December 2016. These frameworks are by nature evolving over time so the document only reflects the situation at a specific moment in time based on available information.

## 4.1. South-East Asia

### 1. Brunei Darussalam

*Institutional Framework: No formal PPP Unit*

The Department of Economic Planning and Development (JPKE) under the Prime Minister's Office, is the key government agency assigned to oversee PPP projects<sup>2</sup>. Within JPKE, the Department of Planning works on three main areas of PPPs: Policy and Research, Promotion (Public Relations), and Coordination and Monitoring. The JKTR committee is responsible for approving PPP projects amongst other responsibilities.<sup>3</sup>

*Regulatory Framework: PPP Guidelines*

The National PPP Guidelines were developed in 2015 to further clarify the institutional and project development frameworks specific to PPP in the country.<sup>4</sup>

### 2. Cambodia

*Institutional Framework: PPP Unit (under development)*<sup>5</sup>

As of September 2015, a PPP Unit in the Department of Investment of the General Department of Budget, and a Risk Management Unit in the Department of Cooperation and Debt Management are in the process to be institutionalized under Ministry of Economy and Finance (MEF). The main role of the PPP Unit is to coordinate feasibility studies, provide human assistance to line ministries, and manage the procurement procedure, negotiation, and evaluation of projects. The main function of the Risk Management Unit is to assess the contingent liability which results from government guarantees as well as risk assessment in project investment for line ministries' consideration. Council for the Development of Cambodia (CDC), chaired by the prime minister, also plays an important role in evaluating and approving applications for private investments.

*Regulatory Framework: Concession Law*

While there is no specific PPP law in Cambodia, the Law on

Concessions was enacted in 2007 to promote and facilitate the implementation of privately financed infrastructure projects under a concession contract.

### 3. Indonesia

*Institutional Framework: Several central PPP Units*

Currently, several agencies are taking overlapping roles to lead the PPP agenda in the country:

- The PPP Unit (PKPS) within the Ministry of National Development Planning Agency (BAPPENAS) is in charge of coordinating the PPP program, including project screening and prioritization, provision of guidance and dissemination of information. For example, this Unit publishes an annual PPP Book<sup>6</sup> presenting latest preview and information about PPP project plan and evaluation.
- The Committee of Infrastructure Priorities Development Acceleration (KPIIP), which is chaired by the Minister of the Coordinating Ministry of Economic Affairs (CMEA), acts as a project management office for priority projects.
- The Ministry of Finance (MoF) also created in 2015 a PPP Unit, called P3CU<sup>7</sup>, under the Directorate General of Debt and Risk Management. The Unit is responsible for improving the quality of project selection under KPIIP, supporting the project preparation using the Project Development Fund (PDF) and appraising the eligibility of proposed projects to receive viability gap funding (VGF), guarantees and other financial instruments (e.g. Indonesia Infrastructure Guarantee Fund)<sup>8</sup>.

*Regulatory Framework: PPP Law*

The BAPPENAS Regulation No. 4 of 2015 specifies procedural guidelines for the PPP arrangement and the responsibilities of PPP nodes, PPP teams and procurement committees that will be established under regional governments and sector ministries.

### 4. Lao People's Democratic Republic

*Institutional Framework: PPP Unit (under development)*

To facilitate PPP initiatives, a task force unit called PPP Unit has been established in Department of Investment Promotion under Ministry of Planning and Investment (MPI)<sup>9</sup>. This PPP Unit should eventually be responsible of

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supervision, facilitation, and promotion of the PPP program and building capacity for PPP development. Its responsibilities might extend to policy and legal development and managing a Project Preparation Facility which could be set up as a revolving fund.

*Regulatory Framework: Public Procurement Law*

A PPP Decree is expected to be enacted to promote PPPs in Lao for developing infrastructure services (as of June 2015, the Decree exists in its seventh draft).

## **5. Malaysia**

*Institutional Framework: PPP Unit*

Public Private Partnership Unit (3PU), also known as Unit Kerjasama Awan Swasta (UKAS)<sup>10</sup> established under the Prime Minister's Department is responsible for the development and execution of PPP projects, including screening, evaluating, recommending and negotiating, as well as structuring the contractual obligations of all PPP projects. 3PU also manages the Facilitation Fund – a budgetary allocation in the form of a grant – to bridge the viability gap in high impact private investment projects. The PPP Committee, chaired by the director general of 3PU, supervises the evaluation of PPP projects.

*Regulatory Framework: PPP Guidelines*

Guidance materials have been developed (i.e. the PPP Guideline introduced in 2009)<sup>11</sup>, which clarify the types of project suitable for the PPP approach, procedures to follow when making proposals, qualifying criteria for bidders, operating models, payment mechanisms, and process flow for project approvals.

## **6. Myanmar**

*Institutional Framework: No PPP Unit*

As of June 2016, there is neither PPP law nor PPP unit but the Ministry of Planning and Finance is acting as a focal point in the promotion of PPP, notably through its Project Appraisal and Progress Reporting Department (PA-PRD) and the Directorate of Investment and Company Administration (DICA). The Myanmar Investment Commission (MIC), a government-appointed body that appraises and approves investment proposals in accordance with the Foreign Investment Law, is another key institutional player for infrastructure projects. MIC is chaired by the Planning and Finance Minister.

*Regulatory Framework: Public Procurement Law*

There is no PPP law or PPP guidelines approved.

## **7. The Philippines**

*Institutional Framework: PPP Unit*

The Public–Private Partnership Center,<sup>12</sup> under the National Economic and Development Authority (NEDA), is the main government coordinating and monitoring agency for the PPP programs. The Center provides advisory services to facilitate development of PPP projects, build capacity of national implementing agencies and local government units, provide technical assistance, advocate policy reforms, and monitor implementation of PPP projects through managing the central PPP database system. It is also in charge of Value-for-Money analysis, commercial financial viability and financial structuring. The Center directly reports to the PPP Governing Board (with Secretary of Socio-Economic Planning (NEDA) as the chair and the Department of Finance as co-chair), which sets the strategic direction of the PPP program. The Center also manages the Project Development and Monitoring Facility (PDMF), a revolving facility that aims at building a robust pipeline of well-prepared projects. There is also another government fund, the Strategic Support Fund to support government agencies in implementing PPP projects.

*Regulatory Framework: PPP Law*

The legal basis is the Build–Operate–Transfer (BOT) Law as amended in 1994 and the related implementing rules and regulations.

## **8. Singapore**

*Institutional Framework: No PPP Unit*

There is currently no central PPP agency in Singapore, but Ministry of Finance<sup>13</sup> regulates PPP projects, formulating PPP policies, raising awareness and knowledge of PPP, and working closely with public agencies on implementation of PPP projects. In this respect, the MoF set up PPP Advisory Council with the objective to provide advice to public agencies exploring PPP and to facilitate resolution of cross-agency issues.

*Regulatory Framework: PPP Guidelines*

PPP projects follow general laws together with guidance provided in the PPP Handbook<sup>14</sup> which presents policies and guidelines for the use of PPP in the country.

## **9. Timor-Leste**

*Institutional Framework: PPP Unit*

The Public-Private Partnership Unit, under the Ministry of Finance, is responsible for assessing, supporting the



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negotiation and implementing public-private partnership contracts, in collaboration with the other relevant public entities.<sup>15</sup>

*Regulatory Framework: PPP Law*

A PPP statute was enacted in 2012 (Decree-Law No 42/2012 – “PPP Decree-Law”).<sup>16</sup>

## **10. Thailand**

*Institutional Framework: PPP Unit*

The State Enterprise Policy Office (SEPO)<sup>17</sup> under the Ministry of Finance is the central PPP coordinating body and the secretariat of the high-level PPP Policy Committee chaired by the Prime Minister. The SEPO is responsible for preparing a draft national PPP strategic plan for approval by the PPP Policy Committee and the Cabinet as well as providing recommendations on project feasibility and disseminating information about PPP schemes. The SEPO also develops standardized PPP procurement procedure and PPP contract.

*Regulatory Framework: PPP Law*

The new 2013 PPP Act, the Private Investments in State Undertakings aims to streamline the project approval process, introducing clear systematic guidelines for the implementation of PPP projects.

## **11. Vietnam**

*Institutional Framework: PPP Unit*

The PPP Office has been created under the Public Procurement Management Agency of Ministry of Planning and Investment (MPI), which is the coordinating ministry for the execution of PPP projects and assists the government to administer PPP activities. The PPP Office is a centralized unit to provide overall guidance and support for PPPs as well as coordinate to manage PPP activities. In addition, the government established the State Steering Committee for PPP to assist the authorized state body to formulate and commence PPP projects.

*Regulatory Framework: PPP Law*

The Vietnam Decree 15 on Public Private Partnerships (PPP Decree) came into effect in April 2015. The decree is dedicated specifically to the identification, preparation and implementation of PPP projects and replaced the largely unimplemented regulations for pilot PPP projects (formerly, Decision 71) as well as the regime for build-operate-transfer (BOT), build-transfer-operate (BTO) and build-transfer (BT) projects under Decree 108.<sup>19</sup>

## **4.2. South and South-West Asia**

### **1. Afghanistan**

*Institutional Framework: PPP Unit*

A Central Partnership Authority (CPA) has been established within the Ministry of Finance for the purpose of preparing policies and guidelines related to PPP, assessing projects and providing technical support to entities among other responsibilities. The CPA is managing a project development fund.<sup>20</sup> Meanwhile, sector ministries such as the Ministry of Health,<sup>21</sup> have developed PPP initiatives.

*Regulatory Framework: PPP Law*

A Public Private Partnership (PPP) Law was enacted in October 2016 to reinforce the PPP legal and regulatory frameworks in the country.

### **2. Bangladesh**

*Institutional Framework: PPP Unit*

An independent body, established in 2010, the PPP Authority<sup>22</sup> under the Prime Minister’s Office is responsible for providing advice and oversight of PPP projects. The PPP Authority supports line ministries to identify, develop, tender and finance PPP projects, and publishes PPP process related and sector specific guidance documents, including the PPP Guidelines. The final approval of PPP projects, after reviewed by the PPP Authority, is made by the Cabinet Committee for Economic Affairs (CCEA). Another PPP unit in the Ministry of Finance assesses the financial viability of projects and determines the level of government support.

*Regulatory Framework: PPP Law*

A PPP law was enacted in 2015 to create a more enabling environment for PPP in the country.

### **3. Bhutan**

*Institutional Framework: PPP Unit (under development)*

The government plans to establish an autonomous agency, Public Private Partnership Agency (P3A) under the Ministry of Finance to enhance its ability to manage the PPP program effectively. The P3A will provide cross-sectoral PPP support, addressing capacity and institutional and developing policy and guidelines.

*Regulatory Framework: PPP Guidelines*

A PPP Policy was issued in April 2015 to provide the required guidance.<sup>23</sup>

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## 4. India

### *Institutional Framework: PPP Unit*

PPP projects can be implemented by central, state or local authorities. The PPP Cell<sup>24</sup> in the Department of Economic Affairs(DEA) under the Ministry of Finance is the central coordination of PPPs. The PPP Cell is responsible for the approval of central sector PPP projects, proposals cleared by PPP Appraisal Committee. The central government also supports the creation of PPP Cells at the state level (e.g. Andhra Pradesh,<sup>25</sup> Assam,<sup>26</sup> Orissa,<sup>27</sup> Uttarakhand,<sup>28</sup> etc.). To streamline the appraisal mechanisms and guidelines at the central level, the PPP Appraisal Committee was created.

### *Regulatory Framework: PPP Guidelines*

To strengthen the national-level regulatory framework and streamline PPP procedures, the DEA produced guidelines for the formulation, appraisal, and approval of PPP projects as well as standardized bidding documents. The guidelines also apply to the provision of financial support for PPPs based on financial and economic viability assessments. Model concession agreements have also been developed by different ministries to ease contract negotiation.

## 5. Islamic Republic of Iran

### *Institutional Framework: PPP Unit (under development)*

The launch of a PPP Unit has been considered.<sup>29</sup> According to the procedure of the implementation of PPP projects, proposed PPP projects will be reviewed and approved by the PPP Unit which reports to the Economic Council. In addition, the Organization for Investment Economic and Technical Assistance of Iran (OIETAI), within the Ministry of Economic Affairs and Finance has provided public support for PPPs to enhance public resources and achieve efficiencies via private sector management.<sup>30</sup>

### *Regulatory Framework: PPP Law (under development)*

Iran has been taking significant measures taken to develop PPPs, including drafting the PPP Law which has been considered by the Council of Ministers, as well as the development of PPP Guidelines. In addition, the Foreign Investment Promotion and Protection Act (FIPPA) facilitates swift approval of foreign investment application and provides foreign investments in all sectors within the scheme of Civil Participation, Buy-Back, and Build-Operate-Transfer(B.O.T) protections against all non-commercial risks, and preferential tax treatments.<sup>31</sup>

## 6. Maldives

### *Institutional Framework: No PPP Unit*

### *Regulatory Framework: Public Procurement Law*

## 7. Nepal

### *Institutional Framework: PPP Unit*

An independent PPP Centre is about to be established under the National Planning Commission<sup>32</sup> which is headed by the prime minister.<sup>33</sup> To attract OT investment, a privatization cell in the Ministry of Physical Planning<sup>34</sup> was also established and put in charge of developing concession agreements, guidelines, technical specifications and feasibility studies.

### *Regulatory Framework: PPP Guidelines*

A PPP Policy endorsed by the Cabinet in 2015 proposes the establishment of clear regulatory framework and guideline for PPP contracts, as well as recommends financing mechanisms. Meanwhile, the Ministry of Finance has prepared a first draft of the planned PPP Act, which will replace the existing Private Financing in Build and Operation of Infrastructure Act.<sup>35</sup>

## 8. Pakistan

### *Institutional Framework: PPP Unit*

The Infrastructure Project Development Facility<sup>36</sup> (IPDF) under the Ministry of Finance is the central PPP unit of the government. It provides implementing agencies (line ministries, provincial Governments, local bodies, and state owned enterprises) expertise support in PPP proposals, tendering and bidding process. The MoF also arranges a Project Development Fund, Viability Gap Fund and Infrastructure Project Financing Facility.<sup>37</sup> PPP Units were also established at the provincial level (e.g. A Sindh PPP Unit<sup>38</sup> was set up in the provincial Finance Department, while Punjab PPP Cell<sup>39</sup> is in the Planning Department).

### *Regulatory Framework: PPP Guidelines*

A PPP Policy was approved in 2010. Subsequently, provincial level PPP laws were enacted in Punjab and Sindh. However, the federal PPP law is still under development.<sup>40</sup>

## 9. Sri Lanka

### *Institutional Framework: PPP Unit (under development)*

PPP-related institutions were established such as the Bureau of Infrastructure Investment (BII), a permanent office under the Board of Investment<sup>41</sup> (BOI) within the Ministry of Finance (MoF), which was established to promote, facilitate and co-ordinate PPP efforts for the line

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ministries. Other committees (negotiation and project) are also foreseen on a project-by-project basis.<sup>42</sup> It was however decided in December 2016 to re-establish a PPP Unit in the country and locate it within the Ministry of Finance.<sup>43</sup>

#### *Regulatory Framework: PPP Guidelines (no PPP Policy)*

While the 2010-2020 government strategy, the Mahinda Chinthana,<sup>44</sup> set out the intention to promote PPPs, there is neither PPP policy nor legislation in Sri Lanka. Projects are being implemented pursuant to the 1998 Guidelines on Private Sector Infrastructure Projects Part II.

## **10. Turkey**

#### *Institutional Framework: Several PPP Units (spread responsibilities)*

Turkey does not have a central PPP Unit but a number of high-level government bodies and key institutions collectively take up the typical functions of a PPP Unit. In particular, the under-secretariat of Treasury, the Ministry of Development (MoD) and the Ministry of Finance play important cross-sectorial roles including related to project authorization. In contrast to other line ministries, the Ministry of Health has established its own PPP team, centralizing the different PPP-related tasks for this sector.

#### *Regulatory Framework: Several PPP Laws*

In Turkey, the PPP legal framework is distinguished by a number of model-specific and sector-specific laws instead a single overarching law. Since the first of the PPP laws was enacted in 1984, over 120 PPP-style projects have reached financial closure under various models.<sup>45</sup>

## **4.3. East and North-East Asia**

### **1. China**

#### *Institutional Framework: PPP Unit*

In 2014, the Ministry of Finance formally established a central government PPP Center, the China Public Private Partnerships Center (“CPPPC”), which is mainly responsible for: policy research; setting up operational and contractual guidelines; providing consultancy assistance and training to government agencies, private sector, financial institutions, and consulting agencies; supporting and facilitating the financing for PPP projects; establishing a PPP information platform (including project management system, project database, consulting firm database, and consultant database) to release PPP policies, project information and news to the public; and developing cooperation with international organizations.<sup>46</sup> PPP Units

are also being established at the province level and 31 provinces in China have set up specialized management institutions for PPP.<sup>47</sup> Overall, The Ministry of Finance and the National Development and Reform Commission (NDRC) play a major role in the PPP regulation, administration and promotion. Since the establishment of the Center, PPP development in China has been growing exponentially with the development of 743 demonstration projects worth \$270 billion and more than 11,000 projects in PPP pipeline for a total value of around \$1.9 trillion (as of December 2016). Counterintuitively, state-controlled firms play a significant role in the Chinese PPP market.<sup>48</sup> To facilitate PPP projects, the Chinese PPP Financing Support Fund with 180 billion yuan (approx. \$26 billion) was created in 2015 together with 10 Chinese financial institutions (mainly to make equity investments and lowering financing costs of Chinese PPP projects).<sup>49</sup> In addition, many local governments in China have established PPP funds to facilitate PPP project development and project financing.

#### *Regulatory Framework: PPP Guidelines*

Several PPP guidelines and regulations on value for money evaluation, financial affordability assessment, procurement, contract management, and projects information disclosure have been issued and a PPP law is under development.

### **Hong-Kong, China**

#### *Institutional Framework: No dedicated PPP Unit*

Among other things, the Efficiency Unit of the Hong Kong government<sup>50</sup> promotes PPPs to enhance the efficiency and effectiveness of delivering public services. The Efficiency Unit reports to the Chief Secretary for Administration, the head of the Government of the Hong Kong Special Administrative Region.

#### *Regulatory Framework: PPP Guidelines*

The Efficiency Unit has issued two PPP Guides, aiming to encourage civil servants and the private sector to explore the use of PPPs for both traditional and innovative projects. The first edition<sup>51</sup> presents the basic concepts and addresses the major issues related to PPPs, and the second edition<sup>52</sup> is more specific on how to establish a PPP projects.

### **2. Japan**

#### *Institutional Framework: PPP Unit*

The PFI Promotion Office,<sup>53</sup> a dedicated PFI/PPP unit set in the cabinet office, issued the New Guidelines for PFI Projects<sup>54</sup> to clarify the designing and implementation process. The PFI Promotion Office also provides capacity development efforts to line ministries and local governments

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as well as disseminate PPP/PFI related information. The PFI Promotion Committee which consists of a chartered accountant and experienced academia appointed by the prime minister provides policy advisory services for a smooth implementation of PFI projects. In addition, the PPP/PFI Task Force<sup>55</sup> consisting from members of cabinet office and the line ministries was formed to resolve issues necessary for the promotion of PPP/PFI project.

#### *Regulatory Framework: PPP Law*

The government issued “Japan Revitalization Strategy 2016”,<sup>56</sup> pledging the expansion of PPP and Private Finance Initiatives (PFI) projects as one of key structural reforms for future investment. The strategy states the need for the government to aggressively promote PPP/PFI, including PFI concession projects. In addition to amend the Act on Promotion of PFI<sup>57</sup> to grant concession rights to private operators, a series of measures were implemented to stimulate the PFI effort, including the Private Finance Initiative Promotion Corporation of Japan<sup>58</sup> (PFIPCJ), a new infrastructure fund was established together with Japanese financial institutions to secure sufficient funds for PFI/PPP infrastructure projects. As of July 2016, 18 PFI projects<sup>59</sup> have been endorsed, including airport, water, toll road, water power plant projects.

### **3. Mongolia**

#### *Institutional Framework: PPP Unit*

The PPP Unit was established under the State Property Committee in 2010, but its responsibility was shifted to the Ministry of Economic Development (MED) in 2012, and then to the Ministry of Industry after the MED was dissolved in 2014.<sup>60</sup> The PPP responsibilities moved again in 2016 to the PPP division of the National development agency of Mongolia (under the Prime Minister).

#### *Regulatory Framework: Concession Law*

The Concessions Law, adopted in 2010 mandates how PPP arrangements should be procured and awarded. It served as a basis for PPP project development across a range of PPP models and sectors at central and local government level.<sup>62</sup>

### **4. Republic of Korea**

#### *Institutional Framework: PPP Unit*

The PPP Division<sup>63</sup> under the Public and Private Infrastructure Investment Management Center (PIMAC), KDI is the central PPP unit in the country. The PPP Division provides policy research and guidance as well as technical support to the Ministry of Strategy and Finance (MOSF) reviewing proposed PPP through feasibility studies and

value-for-money tests. It also develops education programs to line ministries/local governments and private partners. The MOSF is responsible for developing and implementing PPP policies, including the PPP Act, and formulating national investment plans and the state budget. The MOSF also chairs the high level PPP Review Committee that gives final approval to projects. Procuring line ministries/local governments develop and oversee sector specific investment plans and policies which include PPPs.

#### *Regulatory Framework: PPP Law*

The PPP Act has been amended several times after the Act on Promotion of Private Capital into Social Overhead Capital Investment introducing PPP programs was enacted in 1994. The Act defines the eligible infrastructure sectors, the roles of public and private entities, and the procurement process as well as procedures for conflict resolution/termination. It was recently amended in 2016.

## **4.4. North and Central Asia**

### **1. Armenia**

#### *Institutional Framework: No PPP Unit*

There is no PPP unit in the country but PPP-related regulations are the responsibility of the Ministry of Economy while the Centre for Procurement Support within the Ministry of Finance provides training.

#### *Regulatory Framework: Public Procurement Law*

Armenia does not have a PPP law, but the mining and water sector-specific laws regulate concessions, but such laws do not contain clear definitions and need to be improved regarding the selection procedures. The 2011 Public Procurement Law which covers PPPs calls for open bidding or competitive dialogue as the standard, but allows direct negotiation on a limited basis.<sup>64</sup>

### **2. Azerbaijan**

#### *Institutional Framework: No PPP Unit*

There is no specific PPP unit or agency to promote PPP

#### *Regulatory Framework: Public Procurement Law*

There are neither PPP nor Concession laws in the country. In the PPP context, the Law on Public Procurement sets the basis for procurement, rules of tenders, selection of contractor and complaints procedures.<sup>65</sup>

### **3. Georgia**

#### *Institutional Framework: No PPP Unit*

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There is no PPP Unit. Georgian National Investment Agency<sup>66</sup> set under the direct supervision of the prime minister is the only state agency responsible for promoting and facilitating foreign direct investments, but it does not deal specifically with PPP.

*Regulatory Framework: Concession Law*

With regard to the legal framework, the 1994 concession law makes no mention of institutional arrangements, risk-allocation guidelines or procurement. PPPs are therefore largely governed by general public procurement and investment laws, the Civil Code, and where relevant by sector-specific regulations.<sup>67</sup>

#### **4. Kazakhstan**

*Institutional Framework: PPP Unit*

The Kazakhstan Public-Private Partnership Center was established in 2008 with the Government as sole shareholder.<sup>68</sup> The Center provides support to PPP projects and their implementation and contributes to legal development. It also co-owns, with the national holding company Baiterek, the Kazakhstan Project Preparation Fund created in 2014. This Fund supports the development of PPP project documentation (i.e. the concession proposal, tender documentation and draft concession agreement).<sup>69</sup>

*Regulatory Framework: PPP Law*

In Kazakhstan, PPPs are governed by the Law on Concessions (adopted in 2006) and the Law on PPPs (adopted in 2015).

#### **5. Kyrgyzstan**

*Institutional Framework: PPP Unit*

The PPP Unit<sup>70</sup> of the Investment Promotion Agency<sup>71</sup> under the Ministry of Economy aims to identify, assess, support and monitor PPP projects as well as facilitate long term partnership with investors through consultation. The Fiscal Risk Management Unit under the Ministry of Finance is responsible for managing fiscal risks, and line ministries/local authorities and implementing agencies are responsible for identifying, preparing, implementing and monitoring PPP projects. To strengthen project preparation, the government launched the Project Development Support Facility in 2014.<sup>72</sup>

*Regulatory Framework: PPP Law*

The government has adopted a PPP law in 2012 in line with international practices, and issued accompanying regulations on the tender process to facilitate the PPP implementation.<sup>73</sup>

#### **6. Russian Federation**

*Institutional Framework: Several PPP Units (spread responsibilities)*

In Russia, a number of PPP departments have been established in the federal and regional governments. At the federal level, there is no single central PPP agency although the Russian authorities are in the process of gradually refining the governance framework for PPPs by building on their experiences with concessions at the sub-national level. The following institutions play an important role:

- The Ministry of Economic Development<sup>74</sup> (MOED) has been given a mandate to develop the PPP framework and to lead the overall investment plan.<sup>75</sup>
- The non-profit association PPP Development Centre established in 2009<sup>76</sup> also facilitates the development of PPPs. In partnership with MOED, it has published PPP Methodological Recommendations for regions and created the official PPP portal, Federal Information System of PPP in Russia ([www.PPPI.ru](http://www.PPPI.ru)), which contains the largest database of infrastructural projects and provides latest news. In addition, along with the top Russian universities, the PPP Development Centre has established the PPP-Institute that holds educational events, and designs advanced training and professional industry-specific programs in the sphere of PPP.
- Public-Private Partnership Centre of Vnesheconombank<sup>77</sup> (national development bank) is an independent unit in the structure of the bank, which was created to advance PPP business in the bank's portfolio. Given the role of the development bank as a national development institution, the Centre is well positioned to serve as a national leader in PPP practice. Its mission is to support development of federal, regional or municipal infrastructure projects, and enhance quality of public services through the application of a range of PPP instruments.

*Regulatory Framework: PPP Law*

Two federal laws - "On Concession Agreements" adopted in 2005 and "On Public-Private Partnership and Municipal-Private Partnership in the Russian Federation" adopted in 2015 govern the implementation of PPP projects. The implementation of the latter was aimed at facilitating private investment in infrastructure and increasing regulatory certainty.

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## 7. Tajikistan

### *Institutional Framework: PPP Unit*

A PPP Unit was established under the State Committee on Investments and State Property Management,<sup>78</sup> which is responsible for investment and foreign aid, including the sphere of PPPs in 2013.<sup>79</sup> The PPP Unit provides recommendations to the cross-ministerial Public-Private Partnership Council on which projects to approve and what issues in the PPP program need further examination.

### *Regulatory Framework: PPP Law*

The PPP law was approved in 2012, enabling a range of PPP models to take place in key sectors, including transportation, electricity and water projects, but not apply to mining concessions. It allows either central or local governments to procure a range of PPP projects, and introduces PPP procurement practices.

## 8. Uzbekistan

### *Institutional Framework: No PPP Unit*

There is no centralized PPP unit, and the cabinet of ministers authorizes one of the existing public authorities to act as a contracting authority in a PPP project on an ad hoc basis.

### *Regulatory Framework: PPP Concession Law*

The Law on Concessions, adopted in 1995, does not constitute a sufficiently solid legal basis for the development of PPP in the infrastructure services.<sup>80</sup> Production Sharing Agreement (PSA) is viewed as a form of a PPP by Uzbek law and is governed by the law on PSA, which states that PPPs in this form can be awarded only in oil and gas and mining sectors. Several large-scale projects in the form of PSAs have been launched.

## 9. Turkmenistan

### *Institutional Framework: No PPP Unit*

### *Regulatory Framework: PPP Concession Law*

The Law on Foreign Concession is the most relevant law for PPP development, but it is regarded too vague scope of application and needs serious improvements.<sup>81</sup> Although some positive components, such as provisions regulating compensation for early termination and general principle of government assistance in “achieving objectives” of concession agreements, are identified, the law is not regarded a sufficiently solid legal basis for the development of PPP in infrastructure and utility services.<sup>82</sup>

## 4.5. Pacific

### 1. Australia

#### *Institutional Framework: Several PPP Units (spread responsibilities)*

At a national level, Infrastructure Australia<sup>83</sup> (IA) was established<sup>84</sup> in 2008 under the portfolio of the federal Minister for Infrastructure, Transportation, Regional Development and Local Government. The IA is an independent federal government agency responsible, among other things, for setting national PPP policy and guidelines, through an intergovernmental PPP sub-group to support a unified national approach to PPPs. In addition, each state and territory has appointed a lead government agency to implement PPP policies and three state/territory governments (New South Wales,<sup>85</sup> South Australia and Victoria<sup>86</sup>) have established a dedicated unit. Other states and territory governments do not have a dedicated PPP unit and place responsibility within their finance ministry. In Queensland, both the Queensland Treasury<sup>87</sup> and the Queensland Department of Infrastructure and Planning are involved in the creation of PPPs. Regarding financial support mechanisms, the Building Australia Fund (BAF)<sup>88</sup> was established in 2009 by the Nation-building Funds Act 2008 to finance capital investment in transport, energy, water and telecom infrastructure, including the use of PPP schemes. The IA acts as the advisory board of the BAF, and gives advice regarding potential projects to be funded from the BAF.

#### *Regulatory Framework: PPP Guidelines*

The Council of Australian Governments (COAG) endorsed the National PPP Policy and Guidelines in November 2008. The National PPP Policy and Guidelines apply to all Australian, State and Territory government agencies.<sup>89</sup>

### 2. Fiji

#### *Institutional Framework: PPP Unit*

PPP Unit under the Ministry of Public Service, Public Enterprises & Public Sector Reforms is responsible for identifying project pipeline, conducting feasibility studies, and executing and administering PPP projects. It aims to become a center of excellence with a pool of expertise for ministries involved in PPPs, with development partners' assistance.<sup>90</sup>

#### *Regulatory Framework: PPP Law*

The PPP Act was established in 2006, but needs a formal review to bring it in line with international good practices.<sup>91</sup>

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### **3. Kiribati**

*Institutional Framework: No PPP Unit*

*Regulatory Framework: Public Procurement Law*

There is currently no PPP policy and law in place. With the help of IFC, Kiribati has developed the first PPP transaction in tourism sector in the form of concession which was granted in 2013.<sup>92</sup> The government envisages to improve the water supply network in South Tarawa as well as the Public Utility Board's operation through PPP arrangements.<sup>93</sup>

### **4. New Zealand**

*Institutional Framework: PPP Unit*

The PPP team<sup>94</sup> established under the Ministry of Treasury (MOT) in 2009 is responsible for developing PPP policy, advising agencies on PPP procurement, monitoring the implementation of PPP projects, engaging with potential private sector participants, and the Standard Form Project Agreement. Locating the PPP team within the MOT has the benefit of providing a direct relationship with the Minister of Finance that has responsibility for Infrastructure as well as close proximity to the National Infrastructure Unit<sup>95</sup> in the MOT. This enables the delivery of joint advice to Ministers on the procurement of significant capital projects.

*Regulatory Framework: PPP Guidelines*

The PPP team has developed the Standard Form PPP Project Agreement<sup>96</sup> which forms the basis of all PPP procurement, and PPP guidance documents.<sup>97,98</sup> New Zealand as a common law jurisdiction, the country embodies their PPP framework in the guideline, agreements, policies, and other non-legally binding documents. The government has the power of a natural person or corporation; thus, it does not need legislation to enable it to enter PPP contracts.<sup>99</sup>

### **5. Papua New Guinea**

*Institutional Framework: PPP Unit*

The 2014 PPP law calls for the establishment of a PPP Centre under the Ministry of Treasury. The key role of this Centre is to determine whether a PPP is the most appropriate procurement option available to the government and, if this is to be the case, to assist line agencies to transact the PPP project.<sup>100</sup>

*Regulatory Framework: PPP Law*

Parliament passed the first PPP law<sup>101</sup> in 2014 which reflects the principles outlined in the National PPP Policy<sup>102</sup> endorsed in 2008. The PPP law has yet to be tested.

### **6. Samoa**

*Institutional Framework: PPP Unit (under development)*

A PPP Unit was established within the Ministry of Public Enterprises (MPE) in 2016 to implement the framework and identify potential PPPs.

*Regulatory Framework: PPP Guidelines*

Samoa does not have PPP law but the cabinet endorsed a PPP Framework in 2014 which sets guidelines for identifying and implementing PPP projects. However the policy has not yet been implemented.

### **7. Tonga**

*Institutional Framework: No PPP Unit*

There is currently no specific PPP unit

*Regulatory Framework: Public Procurement Law*

There are no PPP policy and law in place. The 2011-2014 Tonga Strategic Framework set by the Ministry of Finance and National Planning<sup>103</sup> envisages that a number of services currently provided by the public sector will be shifted towards private engagement, including PPPs, and the government will establish a consultative mechanism with the private sector on ways to facilitate the process for the economic growth. To help enhance private sector development, the government has made several policy improvements which include liberalizing trade and foreign direct investment legislation, simplifying the tax system and reforming state-owned enterprises.<sup>104</sup>

### **8. Vanuatu**

*Institutional Framework: No PPP Unit*

*Regulatory Framework: Public Procurement Law*

There is currently no PPP policy and law in place. However, the government has been attempting to adopt PPP policy and legal frameworks for many years while using the existing national policies and legislations to allow for private sector engagements.<sup>105</sup> The build-own-operate-transfer (BOOT) legislation was developed in 2008 specifically to legislate for a PPP project linked to the development of an international airport.<sup>106</sup>

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# ENDNOTES

- <sup>1</sup> Afghanistan, Kazakhstan, Pakistan, Bangladesh, Korea, Republic of, Papua New Guinea, Brunei Darussalam, Lao People's Democratic Republic, Tajikistan, Cambodia, Malaysia, Thailand, China, Mongolia, The Philippines, India, Nepal, Turkey, Indonesia, New Zealand and Vietnam.
- <sup>2</sup> See [http://depd.gov.bn/SitePages/Public%20Private%20Partnership%20\(PPP\).aspx](http://depd.gov.bn/SitePages/Public%20Private%20Partnership%20(PPP).aspx).
- <sup>3</sup> JKTR stands for Jawatankuasa Tertinggi Rancangan Kemajuan Negara (The Executive Committee of the National Development Plan).
- <sup>4</sup> See <http://depd.gov.bn/DEPD%20Documents%20Library/NDP/PPP/PPP%20Guidelines.pdf>.
- <sup>5</sup> See [www.ppp.mef.gov.kh/](http://www.ppp.mef.gov.kh/).
- <sup>6</sup> See <http://pkps.bappenas.go.id/index.php/publikasi/ppp-book>.
- <sup>7</sup> Public Private Partnerships Infrastructure Projects Plan in Indonesia, Ministry of National Development Planning Agency, 2015, <http://pkps.bappenas.go.id/attachments/article/1302/PPP%20Book%202015.pdf>.
- <sup>8</sup> See [www.iigf.co.id/en/about-pt-pii/vision-mission](http://www.iigf.co.id/en/about-pt-pii/vision-mission).
- <sup>9</sup> See [www.investlaos.gov.la/index.php/public-private-partnership](http://www.investlaos.gov.la/index.php/public-private-partnership).
- <sup>10</sup> See [www.ukas.gov.my/en/home](http://www.ukas.gov.my/en/home).
- <sup>11</sup> See [www.ukas.gov.my/en/garis-panduan](http://www.ukas.gov.my/en/garis-panduan).
- <sup>12</sup> See <http://ppp.gov.ph/>.
- <sup>13</sup> See [www.mof.gov.sg/Policies/Government-Procurement/Procurement-Process](http://www.mof.gov.sg/Policies/Government-Procurement/Procurement-Process).
- <sup>14</sup> See [www.mof.gov.sg/Portals/0/Policies/ProcurementProcess/PPPHandbook2012.pdf](http://www.mof.gov.sg/Portals/0/Policies/ProcurementProcess/PPPHandbook2012.pdf).
- <sup>15</sup> See [www.mof.gov.tl/about-the-ministry/organisation-structure-roles-and-people/executive-office/public-private-partnership-unit/?lang=en](http://www.mof.gov.tl/about-the-ministry/organisation-structure-roles-and-people/executive-office/public-private-partnership-unit/?lang=en).
- <sup>16</sup> See [www.mirandalawfirm.com/uploadedfiles/20131014\\_bf7ce0.pdf](http://www.mirandalawfirm.com/uploadedfiles/20131014_bf7ce0.pdf).
- <sup>17</sup> See [www.ppp.sepo.go.th/](http://www.ppp.sepo.go.th/).
- <sup>18</sup> See <http://ppp.mpi.gov.vn/en/Pages/default.aspx>.
- <sup>19</sup> See <https://ppp.worldbank.org/public-private-partnership/ppp-decree-%C2%A0-an-important-re-boot-for-vietnam%E2%80%99s-ppp-program>.
- <sup>20</sup> See <http://mof.gov.af/Content/Media/Documents/PPPLawOfficialEnglish1110201693647139553325325.pdf>.
- <sup>21</sup> See <http://ppp.moph.gov.af/>.
- <sup>22</sup> See [www.pppo.gov.bd/ppp\\_office.php](http://www.pppo.gov.bd/ppp_office.php).
- <sup>23</sup> See <http://www.gnhc.gov.bt/wp-content/uploads/2016/06/Public-Private-Partnership-Policy-2015.pdf>.
- <sup>24</sup> See <https://www.pppinindia.gov.in/overview>.
- <sup>25</sup> See <https://ppp.cgg.gov.in/>.
- <sup>26</sup> See <http://assamppp.gov.in/>.
- <sup>27</sup> See <http://ppporissa.gov.in/>.
- <sup>28</sup> See <http://cell.upppc.org/>.
- <sup>29</sup> See Review the Recent Development in PPP Scheme, Islamic Republic of Iran, by Naser Balar, Management and Planning Organization, and Mehran Khamisizadeh, Ministry of Roads and Urban Development, September 2015, [www.unescap.org/sites/default/files/Day%201%20-%20Session%202.3%20-%20IRAN.pdf](http://www.unescap.org/sites/default/files/Day%201%20-%20Session%202.3%20-%20IRAN.pdf).
- <sup>30</sup> See South Khorasan Investment Service Center. See [www.en.investin-sk.ir/index.php?obj=News&taskName>ShowDetails&IDD=27](http://www.en.investin-sk.ir/index.php?obj=News&taskName>ShowDetails&IDD=27).
- <sup>31</sup> In the Name of God PPP Regulatory Framework In the Islamic Republic of Iran, by Mehran Khamisizadeh, Ministry of Roads and Urban Development, January 2015. Available from <http://www.unescap.org/sites/default/files/8.3%20PPP%20Regulatory%20Framework%20in%20Iran.pdf>.
- <sup>32</sup> See <http://www.npc.gov.np/en/#Home>.
- <sup>33</sup> Government introduces much-awaited PPP Policy, The Himalayan Times, 2015 October. Available from <http://thehimalayantimes.com/business/govt-introduces-much-awaited-ppp-policy/>.
- <sup>34</sup> See <http://www.mopit.gov.np/>.
- <sup>35</sup> Nepal preps draft PPP law, 7 June 2016. Available from <http://www.partnershipsbulletin.com/news/view/102943>.
- <sup>36</sup> See <http://www.ipdf.gov.pk/>.
- <sup>37</sup> Pakistan Policy on PPP, January 26, 2010. Available from [www.ipdf.gov.pk/prod\\_img/PPP%20Policy%20FINAL%2014-May-2010.pdf](http://www.ipdf.gov.pk/prod_img/PPP%20Policy%20FINAL%2014-May-2010.pdf).
- <sup>38</sup> See <http://www.pppunitsindh.gov.pk/sitemap/>.
- <sup>39</sup> See <http://ppp.punjab.gov.pk/>.
- <sup>40</sup> See ADB, Country Partnership Strategy, Pakistan, 2015-2019. Available from [www.adb.org/sites/default/files/linked-documents/cps-pak-2015-2019-sd-06.pdf](http://www.adb.org/sites/default/files/linked-documents/cps-pak-2015-2019-sd-06.pdf).
- <sup>41</sup> See [www.investsrilanka.com/](http://www.investsrilanka.com/).
- <sup>42</sup> Report on Sri Lanka's current PPP environment and recommendations for future PPP strategy, USAID, 2016 September. Available from [pdf.usaid.gov/pdf\\_docs/PA00MB6R.pdf](http://pdf.usaid.gov/pdf_docs/PA00MB6R.pdf).
- <sup>43</sup> See <http://blogs.worldbank.org/ppps/resuming-ppps-sri-lanka-now-or-never>.
- <sup>44</sup> See [www.adb.org/sites/default/files/linked-documents/cps-sri-2012-2016-oth-01.pdf](http://www.adb.org/sites/default/files/linked-documents/cps-sri-2012-2016-oth-01.pdf).
- <sup>45</sup> Establishing and Reforming PPP Units, Analysis of EPEC Member PPP Units and lessons learnt, The European PPP Expertise Centre, 2014 August. Available from [www.eib.org/eppec/resources/publications/eppec\\_establishing\\_and\\_reforming\\_ppp\\_units\\_en1](http://www.eib.org/eppec/resources/publications/eppec_establishing_and_reforming_ppp_units_en1) and [www.unescap.org/sites/default/files/Day%202%20-%20Session%205.1d%20-%20Turkey.pdf](http://www.unescap.org/sites/default/files/Day%202%20-%20Session%205.1d%20-%20Turkey.pdf).
- <sup>46</sup> See [www.cppcc.org/en/about/index.jhtml](http://www.cppcc.org/en/about/index.jhtml).
- <sup>47</sup> The Public-Private Partnership Law Review, Chapter 6 China, Law Business Research, 2016 March. Available from [www.zhonglun.com/UpFile/20160520173106525.pdf](http://www.zhonglun.com/UpFile/20160520173106525.pdf).
- <sup>48</sup> FT Confidential Research – 13 October 2016 (Infrastructure spending endures as economic crutch for China).
- <sup>49</sup> See PPP Development in China, China PPP Center, 2016 February. Available from <http://globalinfrastructurehub.org/content/uploads/2016/03/PPP-Development-in-China-Han-Bin.pdf> and <http://www.out-law.com/en/articles/2016/march/china-launches-28-billion-ppp-fund/>.
- <sup>50</sup> See [www.eu.gov.hk/en/index.html](http://www.eu.gov.hk/en/index.html).
- <sup>51</sup> Serving the Community By Using the Private Sector, An introductory guide to PPP, 2003 August. Available from [www.legco.gov.hk/yr04-05/english/hc/sub\\_com/hs02/papers/hs020221cb1-wkcd83-e.pdf](http://www.legco.gov.hk/yr04-05/english/hc/sub_com/hs02/papers/hs020221cb1-wkcd83-e.pdf).
- <sup>52</sup> Serving the Community By Using the Private Sector, An Introductory Guide to PPP, 2008 March. Available from [www.eu.gov.hk/en/reference/publications/ppp\\_guide\\_2008.pdf](http://www.eu.gov.hk/en/reference/publications/ppp_guide_2008.pdf).
- <sup>53</sup> See <http://www8.cao.go.jp/pfi/e/home.html>.
- <sup>54</sup> See [http://www8.cao.go.jp/pfi/process\\_guideline.pdf](http://www8.cao.go.jp/pfi/process_guideline.pdf) (only in Japanese).
- <sup>55</sup> See <http://www8.cao.go.jp/pfi/taskforce/index.html> (only in Japanese).
- <sup>56</sup> See [http://www.kantei.go.jp/jp/singi/keizaisaisei/pdf/2016\\_zentaihombun\\_en.pdf](http://www.kantei.go.jp/jp/singi/keizaisaisei/pdf/2016_zentaihombun_en.pdf).
- <sup>57</sup> See [http://www8.cao.go.jp/pfi/e/english\\_pfi.pdf](http://www8.cao.go.jp/pfi/e/english_pfi.pdf).
- <sup>58</sup> See <http://www.pfipcj.co.jp/about/overview.html> (only in Japanese).
- <sup>59</sup> See [http://www.pfipcj.co.jp/activity/support\\_list.html](http://www.pfipcj.co.jp/activity/support_list.html) (only in Japanese).
- <sup>60</sup> PPP Standards. Available from <http://pppstandards.org/mongolia/>.
- <sup>61</sup> See <https://pppknowledgelab.org/countries/mongolia>.
- <sup>62</sup> PIMAC is affiliated with the Korea Development Institute, an autonomous policy-oriented research, and structured into three separate divisions – PPP Divisions, Public Investment Evaluation Division, Policy and Research Division.
- <sup>63</sup> See <http://pimac.kdi.re.kr/eng/main/main.jsp>.
- <sup>64</sup> Asia-Pacific: The 2014 Infrascope accessed from <https://www.adb.org/publications/evaluating-environment-ppp-asia-pacific-2014-infrascopes>.
- <sup>65</sup> See <https://pppknowledgelab.org/countries/azerbaijan>.
- <sup>66</sup> See [www.investinggeorgia.org/en/](http://www.investinggeorgia.org/en/).
- <sup>67</sup> Asia-Pacific: The 2014 Infrascope accessed from <https://www.adb.org/publications/evaluating-environment-ppp-asia-pacific-2014-infrascopes>.
- <sup>68</sup> See <http://kzppp.kz/%D0%BE-%D1%86%D0%B5%D0%BD%D1%82%D1%80%D0%B5-%D0%B3%D1%87%D0%BF?lang=en>.
- <sup>69</sup> See [http://kppf.kz/?page\\_id=1045&lang=en](http://kppf.kz/?page_id=1045&lang=en).
- <sup>70</sup> The PPP Unit was established under the PPP law. See [www.ppp.gov.kg/en/](http://www.ppp.gov.kg/en/).
- <sup>71</sup> The IPA was established in 2014. See [www.invest.gov.kg/en/](http://www.invest.gov.kg/en/).
- <sup>72</sup> See [www.ppp.gov.kg/en/about-the-ppp-unit/](http://www.ppp.gov.kg/en/about-the-ppp-unit/) and <http://ppp.gov.kg/en/financial-instruments/project-development-support-facility/>.
- <sup>73</sup> Asia-Pacific: The 2014 Infrascope. Available from [www.adb.org/publications/evaluating-environment-ppp-asia-pacific-2014-infrascopes](http://www.adb.org/publications/evaluating-environment-ppp-asia-pacific-2014-infrascopes).
- <sup>74</sup> See Department for Investment Policy and Development of Public-Private Partnership under the Ministry of Economic Development, <http://economy.gov.ru/en/home/about/stucture/deplInvest/>.

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- <sup>75</sup> OECD, Overview of Public Governance of Public-Private Partnerships in the Russian Federation, 2014. Available from [www.pppi.ru/sites/all/themes/pppi/img/zana3.pdf](http://www.pppi.ru/sites/all/themes/pppi/img/zana3.pdf).
- <sup>76</sup> See <http://pppcenter.ru/en/>.
- <sup>77</sup> See [www.veb.ru/en/about/PPP/pppmission/](http://www.veb.ru/en/about/PPP/pppmission/).
- <sup>78</sup> See <http://amcu.gki.tj/eng/>.
- <sup>79</sup> UNECE, National PPP Readiness Assessment Report, Tajikistan. Available from [www.unece.org/fileadmin/DAM/ceci/documents/UNDA\\_project/PPP\\_Readiness\\_Assessment\\_Tajikistan.pdf](http://www.unece.org/fileadmin/DAM/ceci/documents/UNDA_project/PPP_Readiness_Assessment_Tajikistan.pdf).
- <sup>80</sup> EBRD, Legal Reform in Uzbekistan, PPPs/Concessions. See [www.ebrd.com/legal-reform/where-we-work/uzbekistan.html#a8](http://www.ebrd.com/legal-reform/where-we-work/uzbekistan.html#a8).
- <sup>81</sup> EBRD Concession/ PPP Laws Assessment 2011. See <http://www.ebrd.com/downloads/legal/concessions/pppreport.pdf>.
- <sup>82</sup> PPP Knowledge Lab, Turkmenistan. See <https://pppknowledgelab.org/countries/turkmenistan>.
- <sup>83</sup> See <http://infrastructureaustralia.gov.au/policy-publications/public-private-partnerships/>.
- <sup>84</sup> Infrastructure Australia was established under the Infrastructure Australia Act 2008.
- <sup>85</sup> See [/www.treasury.nsw.gov.au/ppp](http://www.treasury.nsw.gov.au/ppp).
- <sup>86</sup> See [www.dtf.vic.gov.au/Infrastructure-Delivery/Public-private-partnerships](http://www.dtf.vic.gov.au/Infrastructure-Delivery/Public-private-partnerships).
- <sup>87</sup> See [www.treasury.qld.gov.au/projects-infrastructure/index.php](http://www.treasury.qld.gov.au/projects-infrastructure/index.php).
- <sup>88</sup> See [www.finance.gov.au/investment-funds/NBF/BAF.html](http://www.finance.gov.au/investment-funds/NBF/BAF.html).
- <sup>89</sup> See <http://infrastructureaustralia.gov.au/policy-publications/public-private-partnerships/index.aspx>.
- <sup>90</sup> Presentation on PPP in Fiji at the Asia-Pacific Ministerial Conference on PPPs for Infrastructure Development, Korea, 2007. Available from [www.unescap.org/sites/default/files/mm\\_fiji\\_0.pdf](http://www.unescap.org/sites/default/files/mm_fiji_0.pdf).
- <sup>91</sup> ADB, A Private Sector Assessment for Fiji, 2013. Available from [www.adb.org/sites/default/files/institutional-document/33972/files/fiji-private-sector-assessment.pdf](http://www.adb.org/sites/default/files/institutional-document/33972/files/fiji-private-sector-assessment.pdf).
- <sup>92</sup> Public-Private Partnership Stories, Kiribati: Otintaai Hotel, IFC, October 2013.
- <sup>93</sup> PPP Knowledge Lab, Kiribati. See <https://pppknowledgelab.org/countries/kiribati>.
- <sup>94</sup> See [www.treasury.govt.nz/statesector/ppp](http://www.treasury.govt.nz/statesector/ppp).
- <sup>95</sup> See [www.infrastructure.govt.nz/](http://www.infrastructure.govt.nz/).
- <sup>96</sup> See [www.treasury.govt.nz/statesector/ppp/standard-form-ppp-project-agreement/index.htm](http://www.treasury.govt.nz/statesector/ppp/standard-form-ppp-project-agreement/index.htm).
- <sup>97</sup> See [www.treasury.govt.nz/statesector/ppp/guidance/](http://www.treasury.govt.nz/statesector/ppp/guidance/).
- <sup>98</sup> The New Zealand PPP Model and Policy: Setting the Scene, The Treasury, 2015. See [www.treasury.govt.nz/statesector/ppp/guidance/model-and-policy/ppp-public-model-and-policy-sep15.pdf](http://www.treasury.govt.nz/statesector/ppp/guidance/model-and-policy/ppp-public-model-and-policy-sep15.pdf).
- <sup>99</sup> APMG International. Available from <https://ppp-certification.com/ppp-certification-guide/152-legal-and-administrative-approaches-establishing-ppp-frameworks>.
- <sup>100</sup> PPP Standards. See <http://pppstandards.org/papua-new-guinea/>.
- <sup>101</sup> See [www.treasury.gov.pg/html/misc/Special%20Projects/PPP/PNG%20PPP%20Act%202014.pdf](http://www.treasury.gov.pg/html/misc/Special%20Projects/PPP/PNG%20PPP%20Act%202014.pdf).
- <sup>102</sup> See [www.treasury.gov.pg/html/misc/Special%20Projects/PPP/PNG%20National%20PPP%20Policy%202014.pdf](http://www.treasury.gov.pg/html/misc/Special%20Projects/PPP/PNG%20National%20PPP%20Policy%202014.pdf).
- <sup>103</sup> See [www.adb.org/sites/default/files/linked-documents/cobp-ton-2014-2016-oth-02.pdf](http://www.adb.org/sites/default/files/linked-documents/cobp-ton-2014-2016-oth-02.pdf).
- <sup>104</sup> Public-Private Partnership for Tonga, Common Wealth Governance. See [www.commonwealthgovernance.org/countries/pacific/tonga/public-private-partnerships/](http://www.commonwealthgovernance.org/countries/pacific/tonga/public-private-partnerships/).
- <sup>105</sup> Vanuatu: Country Presentation on Public-Private Partnerships, Johnson Binaru lauma, Director General, Ministry of Infrastructure & Public Utilities, Asia-Pacific Ministerial Conference, Terhan, 11-14 April 2012. Available from [www.unescap.org/sites/default/files/3-Vanuatu.pdf](http://www.unescap.org/sites/default/files/3-Vanuatu.pdf).
- <sup>106</sup> PPP Standards. See <http://pppstandards.org/vanuatu/>.
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**PPP Policy, Legal and  
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