

LJD

LAW,
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Law, Justice and Development Week 2013 Towards A Science of Delivery in Development

How Law and Justice Can Help Translate Voice,
Social Contract and Accountability into
Development Impact

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THE WORLD BANK GROUP

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PPPs with Small Private Operators: Regulating the Public Service by Local Authorities

Chair: Mailys Lange
Conseil d'Etat (France)

How the CoP on small scale PPPs is in line with the science of delivery in development

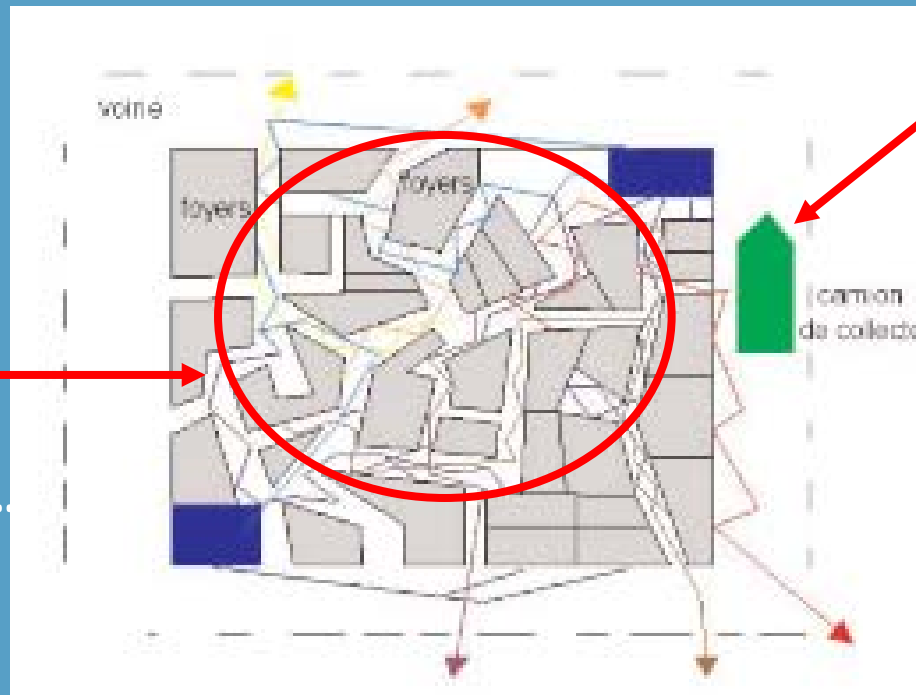
- 1. The origin
- 2. The topic
- 3. The objectives
- 4. The method

1. The origin of the CoP: a review of dissatisfactions in terms of delivery of service in PPPs

- PPPs are useful in a development perspective
- The conclusion of such PPPs is not always a success (Lucknow, India)
- Small Private Operators have a noticeable market share of public utilities (Maputo, Mozambique; Coimbatore, India)
- PPPs can help formalize this already existing private sector... but sometimes fail to improve the delivery of public service

1. The origin of the CoP: Example of Coimbatore (India)

Small private operators collecting and re-selling metal, rags, papers, cardboard.. (informal sector)



Formalized waste management sector (large scale PPP)

2. The topic: the transformation of informal SPOs into co-contracting parties of local authorities

- A topic less explored than other fields
- Answers the need to focus on local actors and client-oriented solutions
- A focus on four sectors:
 - Public transportation
 - Solid waste management
 - Water and wastewater
 - Rural electrification
- Links to establish with bigger contracts

3. The objectives of the CoP: “compile delivery knowledge and mobilize it for practice”*

- The four dimensions of the science of delivery:
 - “First, it will support frontline implementation by collecting local experience and feedback that knowledge into practice
 - Second, it will teach delivery skills based on the experience of the most successful practitioners.
 - Third, it will incorporate prospective research (“clinical trials”) to spur innovation and evaluate new interventions.
 - Fourth, it will develop theoretical and analytical frameworks that can help explain and adapt successful approaches to solving delivery problems.”*

3. The objectives of the CoP: “compile delivery knowledge and mobilize it for practice”

- The four goals of the Community of Practice:
 - Create an openly accessible database of existing situations of formalization into PPPs of an informal sector composed of SPOs
 - Elaborate a framework to guide the assessment of local experiences and enable comparisons of solutions adopted in various contexts (see toolkit for small scale water projects on the PPIRC website)
 - Conduct an experimental study on the basis of the framework
 - Identify good practices

4. The methods used and the people involved: "allying the strengths of the public, private, and civil-society sectors"

- A collaborative network
- Frequent virtual meetings
- A confrontation of different opinions:
 - North/South and South/South dialogue
 - contracting authorities, regulators, judges, enterprises
- You are welcome to join
 - Please contact timothee.paris@juradm.fr

4. The methods used and the people involved

- Our existing institutional partners (as of Nov 1st, 2013)
 - American Bar Association, Section of International Law
 - American Bar Association, Climate & Sustainable Development
 - American Bar Association, Project Finance and Development Committee
 - African Legal Support Facility - Facilité africaine de soutien juridique (ALSF)
 - Droit et Croissance – Rules for Growth, french « think tank »
 - Dispute Board Federation (Geneva)
 - Institut de la gestion déléguée (Paris)
 - International Finance Corporation- World Bank group
 - Latournerie Wolfrom et Associés, law firm (Paris)
 - National planning Department – Colombia
 - Public Utilities Superintendence – Colombia
 - University of Nagoya – Japan
 - São Paulo school of Judges
 - ...
- Partners participating to the community of practice with an observer status
 - European Bank for Reconstruction and Development (EBRD)
 - Inter-American Development Bank (IADB)
 - OFID - The OPEC Fund for International Development

Presentation of the panel

- Mr Kodjo Enoumodji, head of the environmental division of the city of Lomé (Togo)
- Judge Alfredo Attié Jr., Supreme Court of São Paulo
- Mr Ira Feldman and Mr Cameron Prell, American Bar Association