Thematic Fiche no. 6

Experiences on Setting up Public Private Partnerships for Energy Services

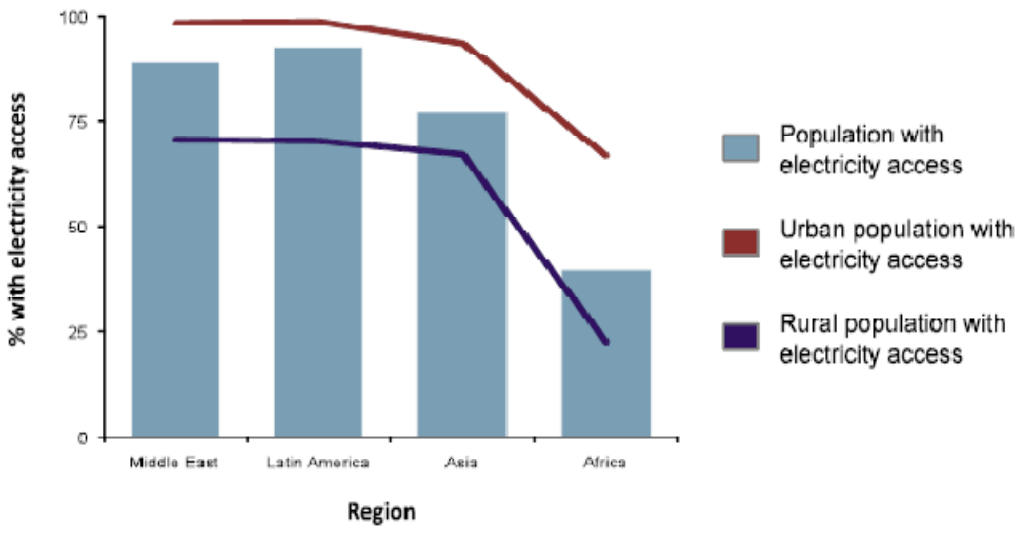
Over the past two decades, Public Private Partnerships (PPPs) have gained ground as a way to carry out larger projects often in the areas of infrastructure, water and sanitation and energy. The private sector is increasingly recognized as playing an important role in public sector projects and is accordingly present in several projects under the ACP EU Energy Facility. This thematic fiche seeks to describe the nature of these partnerships between the two sectors, which role they can play in creating access to energy services in rural and peri-urban areas, and project experiences under the Energy Facility. It is based on a survey of seven projects which specifically involve Public Private Partnerships. However, there is no uniform definition of Public Private Partnerships in this thematic fiche, as the projects apply the concept in different ways. This thematic fiche is therefore intended to illustrate project initiatives to include private sector participation. Such partnerships are a sustainable way of providing access to energy, provided that there is a solid contract between the partners.

Access to modern electricity and energy services is by no means a universal good. Today, 1.4 billion people are without access to electricity and nearly all of these are living in developing countries. Furthermore, the problem is most pronounced in the rural areas where the lack of electrification clearly exceeds the urban areas, as the electric grid is

rarely covering areas outside of the urban or peri-urban areas. However, expanding the access to energy is a necessary prerequisite for the economic, social and environmental development and is widely believed to be clearly connected to the Millennium Development Goals[1]. Therefore it is essential to address this lack of access to energy in rural areas.

However, to expand the existing grid or set up localized mini-grids or smaller systems is by no means an easy or inexpensive affair. The International Energy Agency presented in 2009 a potential scenario for the universal access to electricity by 2030. The basic electricity consumption in newly electrified areas is assumed to be 50 kWh per person per year in rural areas and 100 kWh per person in urban areas, however rising as economic activity grows. Relative to the expected growth in electricity production, universal access would demand an increase of 890 TWh. The scenario requires an additional power-sector investment worldwide of 35 billion dollars per year on average in the years until 2030.

Figure 1: Electrification rate by geography[2]



[1] International Energy Agency – World Energy Outlook 2010
[2] Source: Lighting Africa, Solar Lighting for the Bottom of the Pyramid – Overview of an Emerging Market

This is equivalent to just 6 % of the expected annual worldwide investment in the sector.[3] Achieving universal access to electricity would contribute substantially to the alleviation of poverty; however, the task is still immense.

Private Sector Investments in Public Projects

In order to address the problem of rural electrification, new investment opportunities need to be explored. Few governments in the most affected countries have the foundation to make the required investment and financial commitments to address the problem independently. Hence, several developing countries are increasingly looking to encourage the participation of the private sector. Initiatives such as reforms of the energy sector and investment guides for rural electrification are introduced, in order to make the market attractive. The European Union and the ACP EU Energy Facility recognize the prospects of private participation and investments in the energy sector. While rural electrification is an important aspect of dealing with issues of poverty, it likewise has strong commercial potential which can attract the private sector. A substantial involvement of the private sector in decentralized solutions for energy supply could be an important part of the solution to rural development.[4] Partnerships with the private sector can help fill the gap between what the government can afford and what the people need. By using the private sector as an intermediary, the public sector is able to leverage more financial and human resources. This enables the public sector to allocate limited public resources to development projects, which are nonetheless less commercially viable.[5]

It is important to keep in mind that development is unlikely to be driven solely by the private sector, as those countries and areas with the lowest electrification rate are often without a well-functioning market and sufficient guarantees. The investment problem is therefore pronounced in the divide between urban and rural electrification. Whereas urban and peri-urban areas can be connected to a single network, the occurrence of off grid solutions will be higher in rural areas which create high investment costs in terms of technology deployment and individual solutions. Furthermore, providing full access also means providing energy to those people so poor that they are unable to pay. For these, the only apparent solution is to receive electricity services through projects involving the

[3] International Energy Agency – World Energy Outlook 2009
[4] EU Position Paper on Private Sector Intervention (ACP EF II: Annex A)
[5] IMF, Determinants of Public-Private Partnerships in Infrastructure (2006)

government, international organisations or private donors. The World Bank estimates that about 70 % of infrastructure investment in developing countries currently comes from the public sector, 22 % from the private sector and 8 % from official development assistance.

Figure 3 shows the number and value of projects in developing countries, where private actors were involved. It is an overview of infrastructure projects which covers the sectors of energy, telecommunication, transport and water and sewerage.

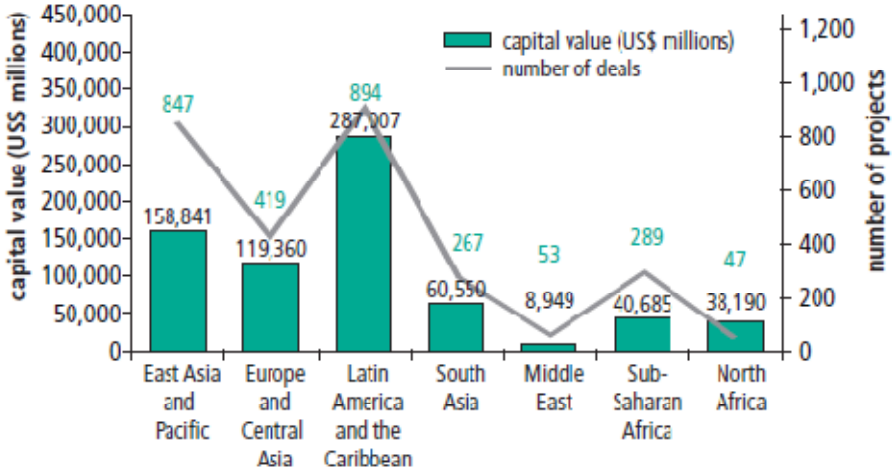


Figure 3: Number and value of Private Participation in Infrastructure Projects, by Region, 1996-2006[6]

It shows that Latin America and the Caribbean are by far the areas where the private sector is most involved in infrastructure development, whereas the Middle East and Africa are witnessing a lesser involvement. However, private investments are not evenly spread out in the regions but are centred in countries where the financial markets are promising and the political environment is stable. As an example, a large amount of the private investments in Sub-Saharan Africa are directed at projects in South Africa and increasingly Nigeria. Many countries' track record of investments suggests that the private sector is not going to provide the necessary level of investment needed by itself. Furthermore, it suggests that the incentives for private actors to engage are not strong enough.[7]

[6] World Bank: Attracting Investors to African Public-Private Partnerships
[7] World Bank: Private Participation in Infrastructure Database; PPIAF Gridlines no. 8

In order to improve the investment environment for especially the private sector, important initiatives have been made by international donor agencies such as the European Investment Bank to establish Guarantee Funds. Through the access to financial guarantees, private companies which are for example entering a new market in developing countries or countries facing political instability have the opportunity to obtain long term loans that would otherwise appear to be of high risk. With these guarantees, both the investors and the banks receive a financial reassurance which is essential if private investment in renewable energy projects in developing countries is to be further strengthened.[8]

Public Private Partnerships

While there is no universal definition of Public-Private Partnerships (PPP), it can be defined as a contract between a public sector institution and a private party, in which the design, financing, building, operation and ownership of the project is shared between the partners. Under management contracts, the public sector typically enters a partnership with a private partner in which the public partner remains the owner of the facility, while the private partner receives sole rights to manage the operation and maintenance for a long term period. In other types of PPPs, the private sector is tasked with the build, operation and management of a public facility. These are often called BOT (Build-Operate-Transfer), where the ownership remains public and the facility is transferred to the public sector at the end of the contract.[9]

A strong PPP allocates the different tasks and obligations among the private and the public partners in an optimal way. The different sectors have certain advantages and resources relative to the other. While the public sector has the decision-making authority and stability, the private sector often has a higher degree of flexibility, drive for innovation and flair for project management. Hence, in order to create an efficient partnership their resources should complement each other in the best possible way. The resources accessible to the project can be both financial and human capital, knowledge and

[8] For further information, see for example European Investment Bank's ACP Investment Facility http://www.eib.org/projects/publications/investment-facility-annual-report-2010.htm and the World Bank's Multilateral Investment Guarantee Agency http://www.miga.org/index_sv.cfm
[9] IMF, Determinants of Public-Private Partnerships in Infrastructure (2006)

expertise, time, political influence etc. In the end, both parties take a share in both the benefits and the risks of the project.

PPPs – different actors and interests

PPPs are intended to create benefits for

- The public sector – fulfillment of a development goal, a political strategy
- The private sector – expand market share and access, potential profit making
- The public or the consumer – access to previously unavailable services at an affordable price.[5]

The public partners in a PPP are various forms of government entities, including relevant ministries, municipalities or state-owned enterprises. The private partners can be actors from different levels local, regional, national and international and can include enterprises or investors with technical or financial expertise relevant to the project. PPPs may also include nongovernmental organizations (NGOs) and community-based organizations (CBOs) representing the stakeholders who are directly affected by the project. The governmental partner may contribute with capital for investment, transfer of assets or other in-kind contributions which support the partnership. On a broader level, the government provides social responsibility, local knowledge, political influence and the ability to mobilize political support. The role of the private sector is to make use of its expertise in relation to technical, managerial and/or financial aspects of the project.[11]

Projects under the Energy Facility are all subject to the general rules of EF grants. This means that a grant must not bring about a profit during the period of project implementation. This also applies to projects where private parties are involved in the project either as applicant or partner, such as a Public Private Partnership. However, the individual objectives for a private partner need not to be direct profit, but can revolve around accessing new markets, strengthening position in an existing market and develop knowledge and experience. Only private subcontractors selected after a competitive procedure can be engaged in profit making activities related to the project implementation.

[10] United Nations Economic Commission for Europe: Guidebook on Promoting Good Governance in Public-Private Partnerships
[11] Asian Development Bank: Public-Private Partnership (PPP) Handbook

Figure 2: Structure of a Public Private Partnership

The core principles of PPPs apply to all countries, while the contractual setup of the partnership will depend upon economic, social and political context of each country and the stakeholders involved. The relationship of a PPP can be characterized as being enduring and stable for the project period. In the ACP-EU Energy Facility projects as well as in general, the employment of a Public Private Partnership is not the end goal in itself. Rather it is a means to potentially optimize the process towards the goal, namely the deployment of renewable energy technologies in the rural areas of the ACP countries.

PPPs – Experiences from Energy Facility projects

Several projects under the first Energy Facility have private sector involvement and some of these employ a form of partnership between actors in the private and the public sector. The actors from the public sector are often ministries or public agencies working on behalf of a ministry with the aim of fostering rural development in a given country. These partners can both be situated in an ACP or EU country. The private partners include a variety of different kind of actors, often companies involved in the set-up of renewable technology or consultants and NGOs specialized in the political, environmental and social issues of the project. However, the projects employ Public Private Partnerships in different ways. Most of the projects working with Public Private Partnerships use them in a contractual fashion in order to have the project or a subcomponent of the project carried out.

Table 1 – PPPs and Energy Facility projects

Project	Country	Use of PPP	Public partner	Private partner
9 ACP RPR 162, Preparation of Geothermal-based Cross-border Electrical Interconnection in the Caribbean	Dominica	Capacity building for contract-based PPPs for implementation and management of energy infrastructure	Dominican government, AFD – French development agency	None
9 ACP RPR 49/10, Renforcement des capacités des collectivités, de la société civile, des secteurs privé et public dans les pays membres de la CEDEAO dans le domaine de l'énergie	Burkina Faso	Capacity building for improved PPP in decentralized energy services – development of training modules and material	CIRAD – French public owned research center	None
9 ACP RPR 49/32, Programme Rhyvière (Réseaux hydroélectriques villageois, énergie respect de l'Environnement)	Madagascar	The project signs PPP contracts with private actors	ADER – agency for development of rural electrification, the municipalities	Local private companies
9 ACP RPR 49/30, Projet d'électrification rurale dans le Brakna	Mauritania	The Energy Facility project is managed through a PPP	APAUS – agency for the promotion of universal access to regulated services, Ministry of Energy, Ministry of Planning	GRET – NGO and consultancy firm Private companies in the field of construction and solar equipment supply and installation
9 ACP RPR 49/34 Projet d'Accès universel à l'électricité: Réseaux et Services publics d'électrification dans 20 localités rurales de 5 wilayas (PELEC 20)	Mauritania	The project signs PPP contracts with private actors	APAUS – agency for the promotion of universal access to regulated services	Ecodev – NGO Private companies – e.g. a construction company Matrasco SA and a consultancy company MauriTP
9 ACP RPR 173 Increase Rural Energy Access in Rwanda through Public Private Partnership (IREA RPPP)	Rwanda	The project signs PPP contracts with private actors	Ministry of Infrastructure	COFORWA – a NGO in Rwanda constructing water installations

Project	Country	Use of PPP	Public partner	Private partner
				Private construction companies
9 ACP RPR 49/11 Providing access to modern energy in northern Uganda (PAMENU)	Uganda	The project signs PPP contracts with private actors	GIZ – German development agency, Ministry of Energy and Mineral Development	NGO Private company – Prime Energy and Environment Savers Ltd. which produces stoves

Hence, two main manners of directly implementing Public Private Partnerships can be identified:

- **The Energy Facility project is managed through a PPP**: Here, the project is managed through a partnership between a public and a private partner, who have agreed upon the roles and responsibilities from project start. An example of this is the *Projet d'électrification rurale dans le Brakna* in Mauritania, which is carried out in a partnership between the public partner Agency for the Promotion of Universal Access to Regulated Services (Agence de Promotion de l'Accès Universel aux Services, APAUS) which operates under the Mauritanian Ministry of Economic Affairs and Development, and the private partner GRET which is a large NGO and consultancy firm in the field of development.

- **The Energy Facility project employs PPPs for management and operation**: Here, the partnership is a subcomponent located in the implementation of the project. Different tasks such as the management of a service facility are implemented by a private actor often found through a call for tender and with whom a PPP contract has been signed. An example of this is the project *Providing Access to Modern Energy in Northern Uganda* which is carried out by the German development agency GIZ. They have signed a number of PPP contracts with NGOs and companies. One of these is the private company Prime Energy and Environment Savers Ltd. (PEES) which produces various energy saving domestic and institutional rocket stoves, charcoal stoves and baking ovens.

Maturity of Environment

In addition to the direct implementation of Public Private Partnerships, many of the projects are focused on the development of the management and the framework conditions in the two sectors, as these kinds of partnerships are still a new or relatively new experience for many governments or public agencies. In order to initiate or expand the use of Public Private Partnerships, the framework conditions must be developed in order to successfully implement sustainable partnerships. In this respect, there are two issues to focus on – institutional and human capacity for dealing with PPPs.

The issue of *institutional capacity* is concerned with the development of an appropriate political, legal and contractual framework for the employment of partnerships. The countries must develop the institutions, processes and procedures to deliver PPP projects for different reasons. Few public institutions have the adequate contractual and legal foundation to be able to accommodate private sector involvement into public sector projects. The lack of institutional development can among other things lead to protracted length of negotiations between the private and the public partners as well as the lack of flexibility in sharing of risks and responsibilities. Furthermore, institutional certainty is important as private investors will avoid projects which contain uncertain frameworks and potential risks. Hence, in order to spur the private investments and risk taking, the framework must be enabling and transparent[12]. The project *Preparation of a Geothermal Based Cross-border Electrical Interconnection in the Caribbean* in Dominica is working on an appropriate institutional framework for the private development of its energy resources as a part of the project activities. The current foundation has fundamental limitations if private developers and international donors are to be involved. The context for contract based PPPs thus needs to be developed on Dominica, which includes legal, regulatory, energy policy and environmental technical assistance. Hence, a draft Geothermal Resources Development Bill and a draft Environmental and Planning Regulations for Renewable Energy have been developed and are currently under review.

[12] United Nations Economic Commission for Europe: Guidebook on Promoting Good Governance in Public-Private Partnerships

The issue of *human capacity* focuses on the more informal framework. In order to spur the use and successful implementation of Public Private Partnerships, both sectors must be prepared for entering a partnership and for dealing with other work cultures. The public sector must develop expertise to negotiate and administer projects. Both sectors must be able to engage in a constructive dialogue, in order to smooth over potential frictions that can arise on specific projects.[13] Many of the Energy Facility projects intend to deal with capacity development among the public delegates and the private businesses however not all have commenced this yet. The project *Increased Rural Energy Access in Rwanda through Public Private Partnership* is providing training for the staff at Ministry of Infrastructure on business development support and secondly, providing business development support to private sector operators during installation, construction and operation. The project *Rhyvière (Réseaux hydroélectriques villageois, énergie respect de l'Environnement)* in Madagascar focuses on the promotion of private sector through training and information. The project aims to decrease the level of information asymmetry between the stakeholders in order to reduce misunderstandings.

Ownership and Maintenance

As there are multiple ways of carrying out a Public Private Partnership, the roles and responsibilities remain a contractual matter in the specific project. Issues of ownership and maintenance therefore depend on the mutual agreement and not two projects are alike. Under the Energy Facility projects, there is a tendency to keep the project or end product as public property while the operation and maintenance is managed by private companies under a contract.

- The project *Rhyvière (Réseaux hydroélectriques villageois, énergie respect de l'Environnement)* in Madagascar remains the property of the municipality, while local private entrepreneurs will invest in the further management of electricity to villages of up to 6000 people. This will be arranged through a concession contract of 25 years, in which the private company has the exclusive rights to operate and invest in the public utility.

[13] Ibid.

- The project *Projet d'électrification rurale dans le Brakna* in Mauritania will remain the property of either APAUS (Agency for the Promotion of Universal Access to Regulated Services) or the municipality. During the project, maintenance is carried out by regional NGOs; however, this task is to be transferred to a local private company at the end of the project.
- The equipment in the project *Accès universel à l'électricité: Réseaux et Services publics d'électrification dans 20 localités rurales de 5 wilayas* in Mauritania likewise remains public property. Parts of the maintenance will be contracted to a private operator, while some of the heavy maintenance will remain the responsibility of APAUS until further notice.
- Only one project, *Increased Rural Energy Access in Rwanda through Public Private Partnership*, has specifically stated that the ownership of one of their project sites will be transferred to the private sector. The installation of a 2 MW hydropower plant is realized by the Ministry of Infrastructure, while private investors chose the project site. Once the project is completed, it will be sold to a private company through a tender for management. When solar PV equipment is purchased through the project by a private person or enterprise, the ownership of the specific equipment is naturally transferred. The project *Providing Access to Modern Energy in Northern Uganda* is a market based project. The private partner Prime Energy and Environment Savers Ltd. (PEES) has established local contact sales persons and outlets, where the customers using household stoves can learn to operate and maintain them through end-user training. Therefore, in this case there is no direct contract for maintenance.

Project Approaches to PPP

The Energy Facility projects have employed different set ups of Public Private Partnerships and are at different stages of project implementation. Therefore, the experiences with the use of Public Private Partnerships vary greatly.

Project: Providing Access to Modern Energy in Northern Uganda (PAMENU) - 9 ACP RPR 49-11

Location**:** Uganda

Financing: Public partner: 40.1 %, private partner: 50.9 %,

Description of the use of PPP:

The project is creating access to energy efficient stoves and solar PV technology for rural areas. The PPP measures are used for jointly implementing activities with private sector players in order to exploit opportunities which would normally be foregone by private players due to obstacles such as high transport costs, lack of enough publicity and low production capacity. Furthermore, facilitating projects can demand interventions which are outside of the routine capabilities of the private partners, for example reaching remote areas for stove dissemination. In the project, the public agency GIZ is experienced within PPPs. It has financial and technical provided support for private sector initiatives in enabling them to provide quality service to the beneficiaries and expand their markets. The partnership has been successful in the project activities and has reached a mutual ownership of the PPP. One challenge has been for the private partner to live up to production demands and to deliver reports on time to the public partner.

Project: Programme Rhyvière (Réseaux hydroélectriques villageois, énergie respect de l'Environnement)

Location**:** Madagascar

Financing: Public partner: 70 % (including EU grant), private partner: 30 %

Description of the use of PPP:

The project aims to develop the sector for small hydroelectric grids in rural Madagascar. The project supports the implementation and commissioning of hydro systems as well as the development of common technical standards and monitoring principles. The management of the grids is based on Public Private Partnerships and the project is focused on improving the professionalism of private actors and institutions involved in the sector, among other things through training schemes. PPP measures have therefore been used for the delegation of public services to private sector operators. The role of the public partner has among other things been to ensure the coherence between public sector policy and project implementation and to validate the technical specifications and standards developed in the project. The private partner will invest in the construction of the installations, ensure maintenance and be responsible for billing and collecting of

payments from users. One of the project successes is the fact that the documents developed in the project are beginning to be used by other stakeholders in the sector. One of the biggest project challenges has been the political crisis in the country, which have resulted in lower investment confidence among entrepreneurs and financial institutes. This has resulted in a smaller investment capacity among the private operators than anticipated.

Project: Increased Rural Energy Access in Rwanda through Public Private Partnership (IREA RPPP)

Location**:** Rwanda

Financing: 2 MW Hydro plant: Private partner: 50 %, public partner: 50 %. Small hydro plants: Private partner: 80 %, public partner: 20 %

Description of the use of PPP:

Two types of PPP measures are tested in this project. The installation of the 2 MW hydropower plant is implemented by the public partner and maintained and operated by a private partner. Once the project is completed, the plant will be sold to a private company through a tender for management.

The smaller hydro plants are two initiatives made by a local community and WOFORWA, a NGO. This covers the design and implementation of two micro hydro plants of 50 kW and 60 kW supported by local businesses. Both facilities will be managed, operated and maintained by private companies under contract management and maintenance. None of these companies have been found yet. The role of the public partner has been to do feasibility studies, develop the institutional and financial mechanism for the projects, co finance and provide capacity building for the private sector. The role of the private partners have been to realize and manage projects and in some cases to assist the communities in identifying energy needs and opportunities.

Lessons Learnt

It is clear that Public Private Partnerships are integrated in different ways and at different levels in the Energy Facility projects. Some private (international) partners are large and experienced in this field, whereas other private partners have no experience with multi-sector cooperation and dialogue. Furthermore, many governments or public agencies are

still new to the concept and are just now adapting their legal and regulatory framework to these kinds of contracts and partnerships. PPPs can be attractive to both sectors, however, a successful outcome is not guaranteed. In order to create successful partnerships for the future, the development of adequate framework conditions and capacities in the public sector is essential. This helps securing the trust of the private sector and the possibility of private investments.

Table 2 – Conditions to be considered – Public Private Partnerships

Conditions	Concept	Project applications
Secure private participation	Secure the availability of private sector investments in public sector projects	The conditions for roles and responsibilities must be beneficial if the private sector is to be involved – furthermore, the level of unnecessary risk and uncertainty must be at a minimum
Institutional capacity	Capacity for PPPs in the legal, regulatory and political framework	Public Private Partnerships demand the development of new legal and regulatory procedures and contracts in order to accommodate the private partner. The political commitment and framework must be stable in order to secure the interest of the private sector
Human capacity	Capacity for PPPs among private and public actors	Capacity development must be initiated among the public managers to the project, as few of these are used to manage larger projects and negotiate contracts in partnership with private sector actors. Likewise, capacity development is important among private businesses to be able to enter a public sector contract and potentially to manage large projects.
Dialogue and cooperation	Ensure a productive dialogue and cooperation	Maintain a productive dialogue based on a minimum of information asymmetry in order to ensure the partnership and avoid frictions
Clarity	Ensure clarity of roles and responsibilities before contract signature	The roles and responsibilities agreed upon in the contract should be stated in a clear manner in order to avoid uncertainties and disagreements during project implement-tation

This thematic fiche is based on a survey of the following projects:

- 9 ACP RPR 162, Preparation of Geothermal-based Cross-border Electrical Interconnection in the Caribbean, Dominica
- 9 ACP RPR 49/10, Renforcement des capacités des collectivités, de la société civile, des secteurs privé et public dans les pays membres de la CEDEAO dans le domaine de l'énergie, Burkina Faso
- 9 ACP RPR 49/32, Programme Rhyvière (Réseaux hydroélectriques villageois, énergie respect de l'Environnement), Madagascar
- 9 ACP RPR 49/30, Projet d'électrification rurale dans le Brakna, Mauritania
- 9 ACP RPR 49/34 Projet d'Accès universel à l'électricité : Réseaux et Services publics d'électrification dans 20 localités rurales de 5 wilayas (PELEC 20), Mauritania
- 9 ACP RPR 173 Increase Rural Energy Access in Rwanda through Public Private Partnership (IREA RPPP), Rwanda
- 9 ACP RPR 49/11 Providing Access to Modern Energy in Northern Uganda (PAMENU), Uganda

Useful links

1. ACP-EU Energy Facility position paper on private sector intervention for the 2nd Call for Proposals can be found here: http://ec.europa.eu/europeaid/where/acp/regional-cooperation/energy/documents/private_sector_position_paper_en.pdf
2. "Attracting Investors to African Public-Private Partnerships" is a project preparation guide developed by the World Bank, ICA and PPIAF: http://www.ppiaf.org/ppiaf/sites/ppiaf.org/files/publication/Attracting_Investors_to_African_PPP.pdf
3. Extensive site developed by the World Bank on the private participation in infrastructure projects, offering various publications, project data and graphs: http://ppi.worldbank.org/
4. Public Private Infrastructure Advisory Facility: http://www.ppiaf.org/ppiaf/
5. "A Guide to Promoting Good Governance in Public Private Partnerships" is developed by the United Nations Economic Commission for Europe and offers information regarding the framework and governance of partnerships: http://98.131.215.178/PPPMIS/ppp/best%20practices/ppp-guidelines-goodgovernance.pdf
6. IMF (2006) Determinants of Public-Private Partnerships in Infrastructure (Working Paper): http://www.nzcid.org.nz/downloads/Determinants%20of%20Public-Private%20Partnerships%20in%20Infrastructure%20IMF%20Working%20Paper.pdf
7. European PPP Expertise Centre (2011) A Guide to Guidance – Sourcebook for PPPs, http://www.eib.org/epec/resources/guide-to-guidance-en.pdf

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Monitoring of the ACP-EU Energy Facility - 1st Call for Proposals
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