

**INTERNATIONAL COLLOQUIUM ON PPP's  
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International Trade Law Arbitral Rules  
(UNCITRAL)**

**SECTION II: Possible minimum provisions,  
or core elements, of a legal text on PPPs.**

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# PURPOSE

*We are not reinventing the wheel.*

*Harmonizing and adapting the existing PPP's legal texts and provisions.*

THE CHALLENGE: we are likely in the typical case of «substantial right» with the intellectual property rights.

Three core difficulties:

- We must identify the link between the human rights to intellectual property. The transfer of technologies and the innovative process and development are ambiguous.
- The intellectual property and development are not linear; each country has its standards and realities.
- The protection of PPPs agreements is proportional to the level of development of a given country.

# BUILDING PROVISION

1. Redefining "Globalization" ...
2. Revisiting "Capitalism"... The pursue of profits needs adjustments for rules to regulate interactions between individuals and public institutions.
3. Internationally-agreed rules, including through the UNCITRAL (and the WTO), are an essential part of addressing this challenge.
4. This rules-based system works best when motivated by democratic governments.
5. Where governments do not lead/reflect their people basic aspirations, neither the international community universal values, the TOS should interfere.

# THE MCPPP

## Matrix:

1. Reduce the contradictions: Language disparity: select the language, definition of terminology and terms, compatibility. Contractual documents: preparatory provision, grouping of contracts.
2. Elaborate principles for interpretation: Professional community; Type of Agreements: international, bilateral, multilateral.
3. Legal framework: Re-define the public and the private;
4. Institutional framework: Establish and review transparency, Compliance, governance; Data base for PPPS; Feasibility; Follow up and Supporting team.
5. Review and improve the local institutional framework for PPP's:

# CONCLUSION

“When deeds speak words are useless” (Xhosa, South Africa.)

In order to anticipate minimum provisions, or core elements of a legal text on PPPs we need a spectrum of measures. One of them is rethink, redefine and readapt globalization into a more humane form, and ipso facto “transform” capitalism. The current system has proven its limits and has generated circumstance of a global and a devastating crisis. We can see and enjoy the some sunshine, and we inhale the same air... The problems deriving from our passivity in fixing ineffectiveness’s including reinforcing and harmonizing the arbitration rules for effective PPP issues are multiples: unemployment, criminality, terrorism, wars, corruptions, etc. Our elites have something to do with this passivity. The momentum has come for making things more complete and more inclusive. To that end, the role that UNCITRAL is playing in providing this platform and allowing it to stray well beyond the rational limits of discussing the TOS initiative for launching the MMPP and the ICJPPPs must be celebrated. Let give kudos to all on the quality of the comments, and the thoughts they stimulated.