



Colloquium
Possible future work on PPPs
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Cross-Border PPP

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Definition

Cross-Border PPP

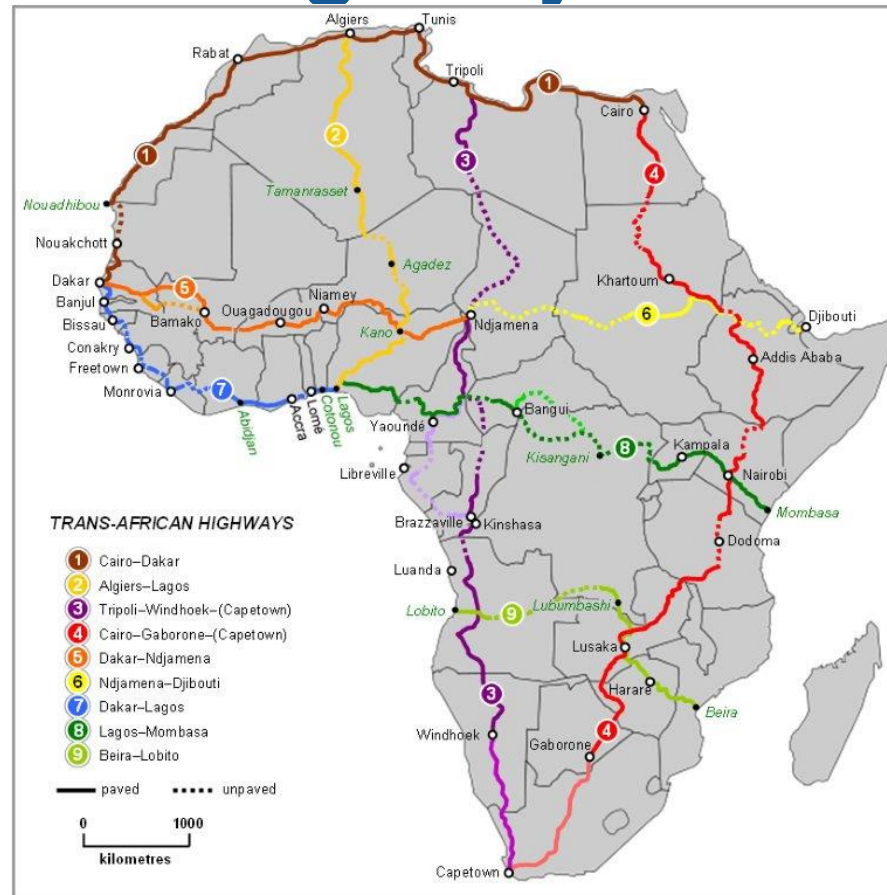
are “transnational” PPPs meaning that two or more states are involved in a PPP



Example: TEN - Pan European Corridors



Example: Trans-African Highways



Example: Transport Corridors of the Greater Mekong Subregion



CBPPP - an increasingly attractive phenomenon

because

- very positive effects through increase of international trade
- can provide solutions to problems which cannot be tackled by individual states alone, for ex
 - financing would not be possible
 - “stand alone” solutions are not possible (integrated networks) or feasible (environment)

therefore

- CBPPP can already be found across all continents in a great variety of areas (from tourism to space projects)



Problems for CBPPPs

- CBPPPs are not addressed in current UNCITRAL instruments
- CBPPPs face specific problems: esp. applicability of different legal systems, involvement of several governments, allocation of roles and risks, necessity of bi- or multilateral agreements
- current huge obstacle for CBPPPs: lack of guidance to address those problems – UNCITRAL would provide ideal platform to develop a solution through appropriate instruments = specific CBPPP-provisions in a ML



Possible solutions for CBPPP-provisions in a ML

1. creation of a full new regime for CBPPPs → extensive preparatory and drafting efforts required
2. development of special provisions on certain necessary basic aspects of CBPPPs combined with the introduction of guidance how to use, adopt and adapt existing provisions already in force to the international context and aspects
3. combination of solution 1+2 → decision what to regulate fully might be arduous, resource intensive

→ Preferred solution 2!

