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**EXPANDING ACCESS TO BASIC SERVICES
IN ASIA AND THE PACIFIC REGION:
PUBLIC–PRIVATE PARTNERSHIPS
FOR POVERTY REDUCTION**

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FOREWORD

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ABSTRACT

This paper argues that the public–private partnership (PPP) financing modality can work for the poor. To achieve this outcome, governments need to first create the appropriate enabling environment for PPPs to work, and then take further steps to ensure pro-poor benefits of infrastructure provision. The paper defines what PPP is and highlights the types of PPPs that fall under that definition: from service or contract management to full-scale privatization with many models in between. Using ADB’s own experience in several countries and in different projects, the paper suggests four key steps to make PPPs work for the poor. First, integrate PPPs into the governments’ poverty reduction strategies, interpret such strategies as a form of “market research”, and use them as “marketing opportunities.” Second, weave poverty considerations into the PPP policy setting and process. This step involves getting the PPP framework right, and combining this with the universal service objectives of infrastructure provision, competitive service delivery, and careful design of tariff policy. Third, pro-poor regulatory design and enforcement should be put in place to help make PPPs work for the poor. Finally, the financing structure of PPPs should be taken care of because asymmetrical allocation of financing risks can weigh heavily on the poor.

I. THE CONTEXT: POVERTY REDUCTION AND INFRASTRUCTURAL NEEDS

Despite significant progress, governments in Asia and the Pacific region continue to face enormous poverty reduction challenges. Using the \$1-a-day standard, as of 2000, the number of poor people in Asia was estimated at 720 million. This number makes Asia home to some 60% of the world's poor. The challenges look more daunting when considering the nonincome dimension of poverty using the Millennium Development Goals (MDGs). The numbers suggest that only some countries in Asia and the Pacific region will meet all MDGs. Some countries may not meet any of the goals. Majority of the countries in this region will fall in between, meeting some goals but not others. For example, performance on health, such as child immunization and maternal mortality, suggests that this region is not on track to reduce child mortality sufficiently to meet MDG targets. Governments in this region need to develop strategies to assist the poor, and to ensure that they are reached by essential infrastructure. Making progress in human development goals will require more and better efforts to expand access to infrastructure and improve the delivery of key services such as basic health, education, water, and sanitation to the poor.

There is evidence of the link between infrastructure and achievement of poverty reduction goals. Promoting growth is one channel through which infrastructure contributes to poverty reduction. The availability of reliable and affordable infrastructure also contributes directly to poverty reduction through the provision of or support in the delivery of key services. Achievements of MDGs (as nonincome measures of poverty) relate to particular infrastructure services, such as those that aim to reduce the proportion of people without sustainable access to safe drinking water and basic sanitation, and those that aim to more accessible housing and shelter. Other MDGs relate to human development that requires services whose effective delivery depends greatly on supportive infrastructure: improved water and sanitation to prevent disease and free up women's time from daily chores; electricity to serve schools and health clinics; and roads to access them. The following studies should exemplify the point. Datt and Ravallion's (1998) study of rural poverty rankings of Indian states finds that states starting with better infrastructure and human resources saw significantly higher long-term rates of poverty reduction. Jalan and Ravallion (2001) find that the prevalence of and duration of diarrhea in rural India among children under five were significantly lower on average for families with piped water than for those without. A study on People's Republic of China (PRC) by Fan, Zhang, and Zhang (2002) documents the critical role of infrastructure development, particularly roads and telecommunications, in reducing rural poverty in the PRC between 1978 and 1997.

To make infrastructure interventions effective in serving the poor, both government and business need to take into account cross effects among targets in the MDGs. Health and nutritional status, for example, directly affect a child's probability of school enrollment. Access to safe water and sanitation is critical for child survival. In order to meet the goal of universal primary education, the government not only needs to invest in schools, but should also provide better transportation networks (to ensure access) as well as basic electricity to allow school children to study at home. The existence of such interlinkages means that isolated infrastructure interventions may do little

to achieve goals if bottlenecks remain in other sectors. Accordingly, national investment programs must be built on multisectoral analysis and anchored in coherent country poverty assessments.

However, the cost of catering to the needs of Asia's poor is high, and resources are scarce. On one hand, investing in infrastructure to support economic growth and reduce poverty is costly. On the other hand, the public sector's ability to mobilize more revenue in taxes is constrained. One way of making limited resources stretch even further is by exploring new and innovative ways of providing private businesses with incentives to reach the unserved poor. Narrowing gaps in access and quality will require sizeable increases in investment and in associated spending on operation and maintenance (O&M). While the enabling environment for private sector investment in the productive sectors has improved, much remains to be done to harness the potential of private sector investment for economic and social infrastructure. From the public sector point of view, efforts must continue to improve the enabling environment for private investment.

But from the private business point of view, is it financially feasible to cater for the needs of the poor? If so, how much demand for investment is there in the region? To the first question, it is necessary to first see the poor in a different way. It is often assumed that people with low incomes have little to spend, and buy little beyond food and shelter. It is also a common assumption that infrastructure provision is not profitable for the private sector to participate in. But these assumptions are often seriously challenged, especially given the present state of technology in the world. Consider the following micro-level examples. Many multinational corporations already successfully do business in developing countries by serving the large lower segments of markets. In many Asian cities, urban slum dwellers without access to piped treated water often pay 10–20 times what the middle class pays for water. In Mumbai, India, the cost of a one-minute phone call for slum dwellers could be double that what a middle class community in the same city pays. Diarrhea medication in that part of the city is ten times higher too. In many developing countries of Asia, effective interest rates of 100% or even 1000% per annum are not uncommon. In rural Bangladesh, villages have an income of less than \$1 a day, yet as the Grameen phone experience shows, the aggregated buying power of a whole poor community can be commercially significant. All these examples suggest that the poor have purchasing power. These also show that costs to the poor can potentially be reduced if they could benefit from a certain scale of provision. Business can potentially gain from serving the poor as well.

Considering those examples, it could be said that in cases where countries are lagging in their national and international commitments, there may be a situation where opportunities to structure incentives for the private sector to contribute to delivering services are underexploited. With the right incentive structure, these countries can get closer to their MDG commitments. In other words, poor performance in delivering the MDGs can be interpreted as a series of potential private sector business opportunities waiting to be *made to happen*.

To the second question of how much investment is needed, at present there is a large gap between what is required and what is available, in terms of economic and social infrastructure. Within countries, infrastructure coverage is typically much lower in rural Asia, where the majority of the poor population lives. And despite continued investment in the urban areas, infrastructure coverage in urban Asia is strained by rapid rural-urban migration.

In the first half of the 1990s, investment requirements for infrastructure in Asia were forecast to be on a scale that far outstripped earlier projections and experience. Asia was rapidly urbanizing

and industrializing, and several countries were experiencing double-digit rates of economic growth. In much of Asia, there was also the sense that socioeconomic development was being hindered by bottlenecks in the provision and/or management of essential infrastructure and social services. Since government spending, international aid, and other official sources of financial support were unlikely to be sufficient to meet requirements, the infrastructure development focus turned to the private sector. In the early 1990s, the Asian Development Bank (ADB) estimated infrastructure requirements to be in the order of \$1 trillion for the 1990s for East Asia alone. In comparison, they were estimated by the World Bank to be around \$1.5 trillion for the decade 1995–2004 (ADB 2002). The 1997/1998 financial crisis had slowed demand for new infrastructure, but infrastructure gaps continue to constrain growth in many parts of the region.

Based on some assumptions and adjusted for slower (post-1997 Asian crisis) growth, it is estimated that developing countries on average would require some 3% of gross domestic product for new capital investment in economic and social infrastructure. On top of that, developing countries will require between 5–5.5% of gross domestic product for O&M purposes. Such figures translate to requirements for Asia and the Pacific region of around \$250 billion a year. It is important to note that this figure is for “hard” infrastructure such as telecommunications, power, roads, and water and sanitation. Investment in social infrastructure would be in addition to that.

Traditionally, the vast bulk of investment in infrastructure has been publicly funded. According to one estimate by the World Bank, some 70% of all infrastructure spending in developing countries worldwide during the 1990s was financed through the government’s budget, or by public utilities’ own resources. The private sector contributed between 20–25%, while the remainder was financed through official development assistance. If developing Asia is to attain required economic and social infrastructure investment levels while maintaining prudent fiscal positions, then private participation will need to increase. Reform is thus unavoidable to facilitate private sector involvement in the provision of infrastructure.

II. INFRASTRUCTURE FINANCING: PUBLIC–PRIVATE PARTNERSHIPS

A. What is a PPP?

Public–private partnerships (PPPs) refer to changing roles of the government and the private sector. In this paper, PPP is defined more specifically as a financing modality that involves the deployment of private sector capital to build socioeconomic infrastructure to improve public services, or to manage public sector assets.

This definition allows us to differentiate between PPPs and privatization. A privatized business is one that was formerly owned by the public sector and is now owned by the private sector. A privatized business can operate in highly competitive markets or it may hold a monopoly position and so require active regulation once it is transferred to the private sector. In either case, the public sector is disengaged from the business. In contrast, PPPs operate on the basis of a contract between a public sector client and a private sector contractor that “obliges” the private sector to deliver services; and the public sector to articulate its long-term service needs, establish effective regulations, and ensure that the private sector will not put its capital at risk in delivering these services.

Another difference between PPP and privatization is that the scope of PPP business (and hence its potential for profit) is constrained contractually, rather than by market forces alone. Normal private incentives still apply in the management of a PPP, such as the need to earn an adequate return on capital, but the business risk is, in effect, partly regulated by virtue of the constraints defined in the terms of the contract.

In addition, with a PPP, the public sector pays for services on behalf of the general public and retains ultimate responsibility for their delivery, whereas the private sector's role is limited to that of providing an improved delivery mechanism. In the case of privatized utilities, ultimate responsibility for service delivery is transferred to the private sector.

Finally, the essential role of the public sector in PPPs is to define the scope of business, specify priorities, set targets, and identify performance standards against which the management of the PPP is given incentives to deliver. The essential role of the private sector in all PPPs is to deliver the business objectives of the PPP by offering higher value-for-money to the public sector than could be achieved by public sector provision alone.

PPPs can be implemented using a number of different institutional arrangements. This could include: service contracts, management contracts, leasing, build-operate-transfer (and its variations such as build-own-operate-transfer), concessions, and private divestiture (either partial or complete divestiture). What PPP modality is most appropriate is a matter that is both country- and sector-specific, and hinges on a range of economic, political, institutional, and historical considerations.

PPPs can assist in the process of poverty reduction in many ways. By easing binding constraints to economic growth, PPPs can help generate income, employment, and government revenues that are used to finance higher levels of private and public consumption. PPP projects can also have a direct influence on the poor by:

- (i) providing available and affordable access to good-quality economic and social infrastructure services to poor people
- (ii) providing employment and business opportunities to the poor
- (iii) enabling poor people to have a better quality of life by increasing access to health care services, education, clean drinking water, information, and markets

B. Why do Governments Turn to PPPs?

Governments across Asia and the Pacific region are becoming increasingly interested in exploring PPPs for a variety of reasons. The first reason is that PPPs have been effective in helping governments respond to rapid demand for public goods and services. Demand for economic and social infrastructure is rising much faster than governments' ability to finance these investments through the budget. With population growing at 60 million a year, growing industrialization, rapid urbanization, and the phenomenal emergence of megacities in the region (17 of the world's 19 megacities are in Asia) are placing tremendous strains on the region's infrastructural services.

The second reason why governments turn to PPPs is PPPs can help governments do more with less. Since PPPs combine the deployment of private sector capital to improve public services or the management of public assets, PPPs spread the costs of procurement of assets over time and shift the burden of capital spending more to private firms and less to the public sector balance sheets.

These objectives may be achieved by basing the procurement on the public services required (i.e., upon outputs) rather than on the underlying assets (or inputs). Where public sector capital budgets are highly constrained, PPPs can be an important means of mobilizing social overhead investment that governments otherwise would not be able to afford.

Third, PPPs can contribute to enhanced efficiency in delivering services. Much of the improved value for money comes from the fact that when private sector capital is deployed and is at risk, the right commercial decisions are made about designing, operating, maintaining, staffing, costing, and otherwise delivering investments and services in an efficient manner.

Finally, PPPs are often considered to be politically safer than privatization. PPPs structure a partnership between government and the private sector that implicitly recognizes that the public sector is held politically responsible for ensuring that infrastructure is available and social services are delivered. Moreover, in a practical sense, PPPs represent a form of collaboration under contract by which public and private sectors, acting together, can achieve what each acting alone cannot.

It is well known that PPPs can be made to work for society at large, and there are ample experiences across Asia and the Pacific region to prove this point. But putting the PPP modality to work to serve the poor is a different matter. While delivering value-for-money remains important, more emphasis needs to be placed on ensuring that the poor do benefit from PPPs; and that strategy, policy, and institutional arrangements are framed with the needs and interests of poor communities in mind.

III. MAKING PPPs WORK FOR THE POOR

A. Integrating PPPs into National Poverty Reduction Strategies

Just as the nature of poverty is diverse, so too are its causes. The poor may not have acquired essential assets or capabilities because they live in remote, conflict-prone, or resource-poor areas; or because they are vulnerable on account of age, health, living environment, or occupation. They may be denied access to assets or services because they belong to an ethnic minority or a community considered socially inferior; or simply because they are female or disabled. At a broader level, poverty may stem from situations where gross inequality persists because of vested interests and entrenched power structures. The great diversity of poverty conditions and causes implies that poverty reduction interventions must be tailored to diverse circumstances, and therefore requires a country-specific approach.

Many countries in developing Asia have formulated and adopted national poverty reduction strategies (NPRS) or have defined strategies for poverty reduction within the sphere of national development plans. These strategies and plans are based on a sound, empirical assessment of the many dimensions and causes of poverty.

1. Interpreting NPRS as a Form of “Market Research”

If PPPs are considered a vehicle for providing services to the “under-serviced” group of consumers, then understanding the many causes, manifestations, and consequences of poverty can be interpreted as a form of “market research.” Identifying those consumers who are not adequately served, documenting their ability and willingness to pay for different services, and assessing the main constraints to reaching new customers is precisely the essence of market research. Such information helps government formulate policy on one hand; and private providers to identify market-viable options for reaching the poor, on the other. It would be difficult to frame suitable pro-poor PPP strategies in the absence of such information. Take for example the case of poor communities living in remote, scattered villages far from markets and major infrastructure. In these instances, public partnerships with community-based organizations may be the appropriate choice for delivering locally generated power, potable water, and other essential services. By contrast, imagine a group of poor urban dwellers who suffer from poverty largely because of irregular employment. This group may be perfectly willing and able to afford to pay for power, clean drinking water, and other utilities supplied by commercial providers, but only if bill collection systems are geared to serving customers with irregular incomes. In order to understand the needs of the poor as customers, it is important that poverty assessments respond to the following (Tremolet 2002):

- (i) Who are the poor?
- (ii) Who do they currently obtain services from?
- (iii) What can they afford?
- (iv) How are they organized?
- (v) What do they want?

A variety of survey techniques can be used to “value” the willingness and ability of the poor to finance quasi-public goods. Such information is essential to frame relevant sector-specific strategies for linking private provision to the expressed needs of the poor (Whittington 2002).

2. Using NPRS as a “Marketing” Opportunity

The discussions that take place around the formulation of an NPRS provide a good opportunity for reviewing the roles played by government and the private sector in a given sector, and for recasting these roles to provide services more efficiently and effectively to the poor. Such discussions also provide a useful meeting ground for multi-stakeholder discussions to build a consensus for pilot-testing innovative partnerships. It is therefore important to actively involve representatives of the private sector (i.e., business councils, associations) and nongovernment organizations (NGOs) in the discussion of poverty reduction strategies for which PPPs may be appropriate. Indeed, the greater the extent to which the private sector participates in defining common goals and objectives, and in finding solutions for delivering services to the poor, the more likely it is that it will share responsibility with government in meeting such commitments.

There are many possible strategic approaches for using PPPs to contribute to poverty reduction. Sometimes the best strategic approach addresses poverty indirectly, as in the case of export-oriented PPP ventures that generate revenues that governments can then use to fund essential social programs (as exemplified by the Lao PDR experience, showcased in Box 1). In terms of PPPs that directly provide services, there are many options that can be pursued, ranging from widening access to investors, contracting-out services, management contracting, concessions, build–operate–transfer and build–own–operate–transfer investments, and divestiture of public assets. Choosing the PPP strategy that best suits the poverty reduction challenge requires an assessment of the likely costs and returns of different forms of PPP interventions, their institutional, technical and sociopolitical feasibility, and the transition costs from one set of public–private roles to another.

Box 1
BUILDING A NATIONAL REVENUE BASE TO FUND THE SOCIAL SECTORS:
THE LAO PDR NAM THEUN HYDROPOWER PROJECT

In some cases, the most important impacts of a PPP on poverty reduction are indirect. The Lao PDR Nam Theun Hydropower Project provides a good illustration of the importance of indirect strategic linkages between a PPP and poverty reduction.

The Lao People’s Democratic Republic (Lao PDR) has been exporting surplus power to Thailand since 1972, and power exports are a major source of foreign exchange and government revenue. Following a site investigation financed by the United Nations Development Programme, a feasibility study for a hydropower project was prepared with a technical assistance grant from the Norwegian Agency for International Cooperation in 1993. In February 1993, ADB was requested by the government to act as the lead coordinating agency for its negotiations with foreign investors, and to provide financial and legal advice. In June 1993, the government signed a memorandum of understanding with two foreign investors, MDX Lao Public Company Limited (MDXL) and Nordic Hydropower AB to jointly develop the project. A public–private partnership, the Theun-Hinboun Power Company (THPC) Limited, was incorporated, with Electricite du Laos (EdL) the state-owned power utility, contributing 60% of the share capital and two foreign investors (MDX Lao Public Company Ltd, and Nordic Hydropower AB) providing 20% each to plan, finance, construct, own, and operate the project. In October 1994, a license agreement signed with the government allowed THPC to plan, finance, construct, own, and operate the Project for 30 years from the start of commercial operation. In November 1994, ADB approved a loan of \$60 million from its Asian Development Fund to finance its contribution to THPC. The \$210 million project financed a transbasin hydropower scheme, which diverted the Nam Theun through an underground tunnel to generate 210 megawatts of power. An 86 kilometer transmission line was built up to the border at Thakhek to export the major portion of the power output to Thailand. A power purchase agreement with the Electricity Generating Authority of Thailand was signed in June 1996. This guaranteed an offtake of 95% of THPC’s power generation, which was estimated to average 1,645 gigawatt-hours per annum.

The Nam Theun hydropower project is currently Lao PDR’s largest foreign exchange earner. Due primarily to the boost in export earnings, Lao PDR’s current account deficit was reduced from 16.5% in 1997 to 6.9% in 2001. Dividend payments to EdL and royalties paid to the government provided additional revenues in excess of \$25 million per annum that were used to augment spending on the social sectors. The total share of education, health, and social welfare in the national development budget increased from 3% in 1994 to 21% in 2001.

Source: ADB (2002d).

Ultimately, the poverty reduction strategies that involve PPP approaches should define joint goals, clarify and advocate clear public-private partnership vision, and generate confidence and trust in this approach to delivering services. Such strategies should explain the following:

- (i) rationale for modifying the role of the public and private sector (i.e., changing the terms of the partnership)
- (ii) role of PPP as a poverty-reducing intervention
- (iii) expected performance criteria in terms of expected gains that will be made by the poor, costs, access, or quality of services received
- (iv) ultimate impact of the PPP on the poor

Many PPPs are launched during episodes of fiscal stress or when the provision of public utilities has reached crisis levels. In response to a distress situation, governments call for PPPs to quickly augment the supply of services that government is providing. Unless these fast-track PPPs are properly selected, structured, and regulated, there is a risk of privileged deals that ultimately lead to high costs and substandard services. Moreover, since each major PPP transaction tends to create precedents for the next, there is a risk that deals launched quickly at a time of distress may create bad-practice precedents that jump from one generation of PPPs to the next (see Box 2).

Box 2
HASTE MAKES HIGH COST: POWER PPPs IN THE PHILIPPINES

In the wake of an energy crisis in the late 1980s and early 1990s, the Philippines entered into nearly 40 agreements with private-sector independent power providers (IPPs). The IPPs offered a quick solution by generating capacity needed for rapid growth. The costs, however, were high because new capacity was not consistent with a least-cost expansion path, and because the private sector required high rates of return.

Contracting arrangements for these IPPs were flawed in several respects. Competitive bidding was not used and instead, contracts were entered into on the basis of unsolicited fast-track bids of interested investors. Profit guarantees were built into the IPP agreements; cost controls were not adequately provided for; and most importantly, the use of take-or-pay (i.e., capacity charge plus energy charge) power purchasing agreements led to a situation in which costs remained high even when capacity utilization was low.

ADB provided support to the Hopewell Energy (Philippines) Corporation to build a peaking plant of three gas turbine generators with a combined capacity of 200MW on a 12-year build-operate-transfer contract; and to the Batangas Power Corporation in 1993 to construct a 123MW Bunker C-fired diesel power plant. The Hopewell Energy Plant was subsequently taken over by Mirant Philippines, which turned over the first plant of 200MW to the National Power Corporation after 12 years of operation. This plant was then closed by NPC due to surplus generating capacity in Luzon. The second plant, located in Pagbilao, has been operating at half its rated capacity. The Batangas plant, although profitable, has been operating at a high cost due its dollar-denominated debt and low rates of capacity utilization.

Source: ADB (2004).

PPP policy frameworks must be embedded in a solid base of bipartisan political support, otherwise they will be vulnerable to changing political cycles. On-again, off-again support for PPP arrangements can be especially costly to the poor because of the time required and high start-up costs associated with establishing PPP services in remote and low-income communities. High political risk perceptions will also raise expected service costs to private providers, which will, in turn, make PPPs less affordable to the poor. Building a social consensus in favor of changing public-private roles often takes time, and may require trading off small benefits to many (i.e., consumers) against large costs incurred by a few (i.e., providers now subject to competition). This may require a phased approach to introducing changes in the roles of the public and private sector, especially when perceived adjustment costs are high. ADB support for the privatization of the state plantations in Sri Lanka (Box 3) is illustrative of the role that a phased approach to fostering PPPs has in building political support for changing public-private roles.

Box 3**A PROCESS APPROACH TO INTRODUCING PPPs: COMMERCIALIZING STATE PLANTATIONS IN SRI LANKA**

A process of gradually building support or organized labor, and public confidence in private management of state plantations, led to bipartisan political support for privatization in Sri Lanka. Securing such support in a politically charged and polarized setting was central to the change in the nature of public-private roles.

Plantation crops (tea, rubber, coconut) are a major source of export earnings in Sri Lanka. The plantation industry was nationalized during 1972–1975, and the management of nationalized estates placed in the hands of two state-owned corporations, the Sri Lanka State Plantation Corporation (SLSPC) and Janatha Estate Development Board (JEDB). Heavy taxation, political interference, and weak financial discipline led to a sharp deterioration in the technical and financial performance of the SLSPC and JEDB, which led to heavy reliance on long-term loans from state banks to meet working capital requirements. By 1992, operating losses of the two plantation companies were approximately SLRs 1.5 billion per annum.

Privatization of SLSPC and JEDB was proposed by the Ministry of Finance in the late 1980s, but was objected to by powerful trade unions and political party leaders. In 1990 and 1991, consultations were undertaken with representatives of the worker trade unions, business associations, and other stakeholders. This culminated in the development of a phased strategy for privatization that secured bipartisan political support. In 1992, the first phase was implemented: A total of 465 estates managed by SLSPC and JEDB were constituted into 23 regional plantation companies (RPCs), and management of these companies was assigned to private management companies on the basis of a 5-year, performance-linked contract.

Private management was able to quickly secure efficiency gains, thanks largely to improved access to working capital for fertilizer and other essential inputs. Higher output and export earnings allowed the RPCs to boost wages. Once it became apparent that private management would not lead to sharp job losses, the trade unions cast their political support for private management. To mobilize capital, 14 of the 23 RPCs were listed on the Colombo Stock Exchange, increasing market capitalization and also boosting support of the general public for private sector management. In 1994/1995, the government undertook the next stage of divestiture by transferring 50-year lease holdings to the RPCs. Privatization was carried out by offering the management agents of the RPCs the option to purchase 51% of the shares of their respective companies at market prices.

Under private management from 1991 to 1998, average tea yields increased by 48%, tea production rose from 231 million kilograms in 1993 to 280 million kilograms in 1998, and labor productivity rose by 22%. Rubber and coconut production remained stable, despite a marked deterioration in international market conditions. Primarily as a result of the upturn in tea production and exports, the RPCs quickly returned to profitability, and began paying dividends to government.

Source: ADB (2002c).

B. Weaving Poverty Considerations into PPP Policy Setting and Process

An appropriate, predictable, and fair enabling environment for contracting the private sector to provide services previously in the public domain, and for private sector investment in general, should exist to minimize the likelihood or appearance of corruption. There are three distinct domains in which improvements in an enabling environment are generally required: in the legal system, regulatory front, and political system. In the legal system, required changes may include measures relating to tendering and bidding for services, improvements in contract law, and dispute resolution measures. Both changes in the legal framework, and the manner by which laws are enforced, may be required. In the regulatory front, there is a need for (i) clear regulatory frameworks; (ii) appropriate tariff regimes; (iii) appropriate and transparent subsidy mechanisms; (iv) open and transparent communication channels between the public and private sector so they can define and regulate their relationships with each other and their roles in providing services; and (v) a clear statement of the government's role as a provider and regulator of public goods and services. On the political front, there is the need to build public acceptance that the private sector will be "partnered" with government to deliver public goods and services. To minimize risks of political interference, there is a need for highly specific contract terms to allow both parties to predict the profitability of the venture and to facilitate informed investment decision making. There is also a need for political will to strengthen public administration and regulatory bodies to reduce imbalances between the government's limited means vis-à-vis capabilities as regulators. Unless suitable policy frameworks are in place, it is difficult to attract bona fide investors or to secure the financial support required to put pro-poor PPPs into operation (Box 4).

Box 4

BE MINDFUL, NOT ALL PRO-POOR PPPs CAN GET OFF THE GROUND

Having a sound PPP policy framework in place is necessary to attract qualified investors and to bring projects to fruition. Yet sometimes public-private partnerships, although desired, face severe regulatory hurdles. For example, the water supply in the city of Pekanbaru is provided through a semi-autonomous water supply enterprise (Perusahaan Daerah Air Minum [PDAM]). As in many parts of Indonesia, the PDAM has been unable to meet local water supply needs. In 2000, at the request of government, ADB's Private Sector Group began discussions with private parties who could potentially serve as concessionaires in the area. Despite protracted negotiations for over 2 years, a concession could not be finalized. Deficiencies in the policy environment, combined with a shift in decision making from the central government to regional authorities—who do not yet have the requisite skills to negotiate and structure concession arrangements—hampered the conclusion of a suitable concession agreement. To help address these problems, ADB has undertaken a technical assistance project to develop the regulatory environment for the water sector. Assistance for capacity building of regional authorities is also planned.

Source: ADB (2002b, 29).

Typically, PPP policy frameworks focus primarily on aspects related to the commercial practices of the proposed PPPs, such as the nature of services to be provided, qualifications of eligible providers, service performance specifications, tariff arrangements, dispute resolution procedures, and the like. But getting the PPP framework right is only the *first* step to making PPPs work for the poor. Changes in the enabling framework do have distributional implications, and hence will impact on the poor. The degree to which the private sector will have an incentive to serve the poor, especially when their ability to pay is constrained, must be addressed if PPPs are to be an effective instrument for poverty reduction. Experience to date suggests that it is difficult to ensure that PPPs will serve the poor because of certain features inherent in the ways in which PPPs are commonly undertaken. These include the following.

- (i) *Service contracts.* These represent a combination of retention of ownership in the hands of government and transfer of design and construction risks to the private sector; and short contract periods (e.g., between several months to a few years). They provide limited incentive for whole-life-costing for the private sector, and cause the private sector to focus more on efficiency rather than on reaching the poor.
- (ii) *Management contracts.* These involve retention of ownership in the hands of government and transfer of operating risk to the private sector (with a fee and with profit sharing). The contract period is limited (usually around 3–5 years) and provides more incentives to improving services to existing customers rather than on reaching the poor.
- (iii) *Build–operate–transfer.* This has the potential of bypassing the poor unless the distribution system and/or network is upgraded and extended to unserved areas or areas populated by the poor. The private sector may design projects to be more cost-effective by bypassing poor customers and regions.
- (iv) *Concessions.* These have the potential to benefit the poor if certain conditions are met—i.e., universal service requirements, consumer orientation, effective monitoring. But experience suggests that in many countries such conditions are not commonly met, hence the poor do not necessarily benefit.
- (v) *Divestiture.* In this arrangement, the poor may or may not benefit depending on the license conditions and the design of regulation (e.g., specification on universal coverage target, differentiation of services to meet the needs of the poor, affordability of tariff).

Framing PPP policy objectives in a way that explicitly recognizes the importance of reaching the poor is essential if these are to be structured and motivated to play a positive developmental role. The most common way of doing this is to define universal service access as one of the major performance goals for any given PPP (Box 5). Absent the specification of universal service requirements, there is the risk that the poor may be excluded from privately provided services, especially if the revenue yield is higher for serving the wealthy and middle class consumers. There are a variety of ways in which universal service objectives can be met. In the case of the Manila municipal water concession, the Maynilad Water Services Company was provided the right to collect revenues for 25 years in the western zone of the city with an obligation to provide service to an increasing proportion of residents. Targets were set at every 5 years, with an end-of-contract connection target of 98.4% by the end of the 25-year concession (Tremolet 2002).

Box 5
BRINGING WATER TO ALL CONSUMERS IN CHENGDU, PEOPLE'S REPUBLIC OF CHINA

The Chengdu Water Supply project involved the construction of a treatment plant and the establishment of a 27-kilometer transmission line to the population of Chengdu, an industrial city in southwest PRC, with an additional supply of 400,00 cubic meters of treated water daily. Prior to this, urban water supply projects were funded by central or municipal governments on a grant basis. Insufficient government funding meant that water shortages occurred, particularly in rapidly growing metropolitan areas. As the first BOT water supply project in PRC, the Chengdu Project demonstrated that this approach can be successfully implemented at the municipal level, and externally financed without government guarantee. ADB's private sector operations extended a direct loan of \$26.5 million for the project, and through ADB's complementary financing scheme, ADB made possible commercial debt funding of \$21.5 million.

Source: Staff summaries based on relevant project documents.

The poor will generally be better served if providers compete for their business. In fact, the rationale for introducing PPPs is often to expand the range of service providers beyond traditional public sector monopolies and to inject a measure of dynamism and consumer responsiveness to previously sheltered sectors. This can be accomplished by liberalizing the market, avoiding exclusivity, unbundling services, and coordinating interconnection. For low-income consumers, competitive provision of infrastructure may imply a need to license small-scale operators who are not able to provide services at a lower cost than "network" connections. However, small-scale operators are often more flexible in reaching remote communities. They may be able to provide a "basic needs" level of service at an affordable cost, and may be able to introduce innovative tariff and payment systems (such as pre-paid cards) that match the ability of low-income households to pay with tariff obligations (Taylor 2002). There are numerous examples of PPPs, most notably in the telecommunications sector, in which creating competition in service delivery has lowered costs, improved access, and greatly improved the reliability of services offered to the poor (see Box 6). PPP policy should encourage, to the greatest extent possible, measures that create competitive delivery of services to the poor. Conversely, PPP policy should avoid replacing monopoly public providers with private monopolies.

The poor can, and often do, pay for utilities and social services, but in practice, their ability to pay is highly constrained (Weitz and Francys 2002). An affordable pro-poor tariff structure often implies a subsidy and means of targeting benefits to the poor. Unless this is calculated and targeted properly, such subsidies can drain the budget and dilute the pursuit of value-for-money. Blanket subsidies for utilities tend to disproportionately benefit the middle- and upper-income households due to their higher level of consumption (Alexander 2002). Lifeline tariffs, or subsidies for the first so many consumption units, are typically built in to PPPs projects to protect the consumption of the poor. But even this may have adverse effects on the viability of the PPPs if it excessively boosts management costs due to low levels of consumption by a large number of low-income consumers.

Box 6
INJECTING COMPETITION INTO THE BANGLADESH TELECOMS MARKET: THE GRAMEEN PHONE

In March 1997, a cell phone company, Grameen Phone, was launched by the Grameen Bank with the financial and technical support of a consortium of local and foreign companies. The aim of Grameen Phone was to bring connectivity to rural Bangladesh. Prior to this time, the public telecommunications monopoly, which operated 95% of all phones, had provided few connections in rural areas, where most of the poor in Bangladesh reside. In 1993, there were only two phones per 1,000 inhabitants, and many of these were analog and functioned sporadically.

From 1997 to 2002, the subscriber base of Grameen Phone grew rapidly, reaching 730,000 subscribers at the end of 2002. By that year, Grameen Phone captured more than 70% of the mobile phone market in Bangladesh and provided services to 44 districts in all six divisional headquarters of the country.

During its inaugural year, Grameen Phone launched the innovative Village Phone Program. Under this program, a Grameen Bank borrower (i.e., a phone operator) is provided lease financing of about \$350 to buy a phone. The phone operator allows villagers to use the phone according to prescribed rates for outgoing and incoming calls. Experience to date suggests that the phones earn about \$2 per day, allowing the phone operator to recover their investment in a period of approximately 6 months. Besides being a profitable investment for rural borrowers, this program creates access to telephones for all in the villages in which it has been introduced.

Research shows that village phones have had large, positive social and economic impacts on the poor. Phone users benefit from better access to market information; are able to maintain regular contact with relatives working in cities or abroad; are used by patients to obtain health information and arrange medical appointments; and provide timely access to information in emergency situations. For one woman, introduction of modern technology improved her social and economic standing, and has expanded her knowledge of modern business practices. A call that would replace a single trip from the rural areas to the urban centers can be as much as 2–10% of the annual income of the poor, savings that few other innovations could match.

Source: Yahya (2002).

The way in which subsidies for PPP services are delivered matters a great deal to the poverty impact of any given PPP operation. Practically all utilities in Asia and the Pacific region practice some form of cross subsidy, often with substantial impacts on public finance and on soundness of the banking system. Experience to date suggests that general subsidies—i.e., across-the-board underpricing of PPP services—primarily benefit the nonpoor since they have a higher consumption of the goods and services that PPPs deliver. There are a variety of ways of targeting subsidies to the poor so that they can afford services provided by PPPs. This includes delivering subsidies directly to the poor, such as through cash assistance or coupons to augment their purchasing power for public utilities or social services. Tariff arrangements for PPPs often include implicit subsidies aimed at reaching the poor. Common approaches include lifeline tariffs to make low (or minimum) levels of utility consumption affordable; differential tariff arrangements for consumers in poor compared to wealthier regions; and lower charges for categories of enterprises or activities (i.e., farms, irrigation systems, small businesses) that tend to employ proportionately higher levels of poor persons. Ideally, such subsidies should be made explicit in the financing arrangement of a PPP, and public support provided to directly meet these costs. In practice, and reflecting the weak tax bases of many developing countries in the region, it is customary for PPPs to redistribute revenues from

nonpoor to poor consumers through cross subsidies. It is important to remember that structuring PPPs to deliver services as efficiently as possible can keep costs low for all consumers, including the poor (see Box 7).

Box 7
KEEPING TARIFFS AFFORDABLE:
THE MEGHNAGHAT POWER PROJECT OF BANGLADESH

This was the first power generation project to be financed by the private sector in Bangladesh. It has a 450MW capacity and supplies power to agriculture and industry in the northern bank of the Meghna River. The project was assisted by ADB through a technical assistance to prepare a master plan, feasibility study, engineering design, site selection, and solicitation of bids and structuring of the IPP agreement.

This is the first build-own-operate power generator in Bangladesh and has the lowest power tariff in the world. ADB was able to catalyze commercial funding through the use, for the first time, of a political risk guarantee. ADB also provided a loan to the project of \$50 million, and a second loan, under the complementary financing scheme, of an additional \$50 million.

Source: Staff summaries based on relevant project documents.

No subsidy arrangement is perfect. Some benefits will ultimately leak to nonpoor households, and no arrangement can meet the needs of all categories of poor consumers. Ultimately, the formulation of a subsidy policy has to take into consideration the efficacy of various targeting approaches, the affordability of different schemes, and the incentives that such subsidies create for service providers and consumers. Moreover, it is often the limits posed by administrative cost and capacity that limit the choice of subsidy approach.

C. Pro-poor Regulatory Design and Enforcement in PPPs

Pro-poor regulation is necessary to sustain mutual interests and benefits from PPPs projects. By virtue of market structure or contract terms, PPP providers tend to have a dominant position in the delivery of utilities or other public services. Regulation is required to protect the general public, and especially poor customers, against the risk that this dominant position will be abused. Such regulation generally covers tariffs, quality standards including an allowance for quality-deviation to improve access for the poor, and types of goods and services that will be provided (see Box 8). This also requires the establishment of an effective institutional mechanism for regulating PPPs with well-defined powers and responsibilities, adequate skills and resources for regulation, and appropriate legal backing for enforcement. Regulation should also cover the assessment of subsidies provided—either directly or through transfers—to ensure access by the poor. In some cases, the subsidy policy and regulations agreed upon at the start of the PPP become inappropriate shortly after the project is implemented. In other cases, experience shows that subsidies were either inefficient or inequitable in the way they were designed to reach the poor. Another common problem is that the tariff structure is not reviewed frequently enough. Once it becomes obsolete, the tariffs provide neither sufficient financial incentives to operators nor suitable protection to the poor. This points to the need for timely and effective regulatory review and revision of the tariff structure, the manner in which subsidies to the poor are delivered, service quality, and adequacy of incentives to deliver services while ensuring value-for-money in service delivery.

The effectiveness of PPPs hinges on the presence of adequate legal frameworks and regulatory structures to translate policies into practice. In much of developing Asia, performance in this area has lagged expectations. The basic regulatory objectives of autonomy, accountability, transparency, and predictability have been difficult to achieve in the agencies that regulate PPPs in Asia. Many countries have been slow to establish and staff independent regulatory agencies with an adequate funding base. As a result, tariff regulation practices tend to be underdeveloped, although this is a crucial variable for determining who gets served by a PPP.

Effective regulation of PPPs also plays an important role in deterring anticompetitive behavior. Many of the developing Asian nations lack laws or agencies geared to combat anticompetitive practices. In addition, a lack of well-established legal and regulatory procedures for contract law means that enforcement of contracts and resolution of disputes are not well established. Weak regulatory capacity has, in turn, created opportunities for political interference in the awarding of PPP contracts in several countries.

Box 8
ESTABLISHING A PRO-POOR PPP REGULATORY FRAMEWORK:
URBAN WATER SUPPLY IN THE KATHMANDU VALLEY

The population of the Kathmandu Valley of Nepal suffers from a chronic shortage of clean drinking water. The Melamchi Water Supply Project (MWSP) is a \$464 million dollar project, cofinanced by ADB and six bilateral financiers, which will divert water from the snow-fed Melamchi River in the Snidupalchowk district to the Kathmandu valley. In its first phase, to be operational in 2009, the project will divert 170 million liters of water per day through a 26 kilometer tunnel to the Kathmandu Valley.

To ensure that the improved water supply and sanitation system is viable and meets the needs of the poor, the government has agreed on several basic principles, including cost recovery primarily from consumers, demand management by proper pricing, increasing access to clean drinking water and affordability for the urban poor, and improved procedures for paying water bills. Tariffs have been set in a way that ensures that the poor will be able to meet their clean water requirements. For an average urban household in Kathmandu that would use an estimated 18,000 liters per month, the monthly water tariff is estimated at NRs 540 (\$8). Poor families who use less water than the average will pay significantly less.

ADB has approved two loans under the Kathmandu Valley Water Services Sector Development Program to support a series of institutional reforms that are being made to ensure that the PPP delivers value for money. A National Water Supply Regulatory Board is being established to carry out regulatory functions to protect consumer interests. The Nepal Water Supply Corporation and the newly established Water Authority will be the owner of the new assets, and will be responsible for developing policies and oversight for water supply and wastewater services in the Kathmandu Valley. A licensing system for groundwater will be established in the Kathmandu Valley, and alternative PPP arrangements for reaching currently unserved areas will be made. A suitable qualified private operator (Management Contractor) will be recruited through international tender to manage the operations of the water utility for a period of up to six years. This marks the first time that a performance contract arrangements with a private utility contractor has been financed under an ADB public sector loan. Under the performance contract, the management contractor will receive a fixed fee plus performance-based payments based on achievement of targets set for a number of performance indicators. The management contractor will not have responsibility for making investments or setting tariffs, but will manage the collection of tariffs and will have specific responsibilities for improving services to poor consumers, both those already connected to the water supply system and those yet to be connected.

Source: ADB (2004).

In any “partnership” between the public and private sectors, there is always the potential for abuse of authority, corruption, and nepotism. Establishing a policy framework that embodies good PPP governance helps to establish safeguards against such practices. This includes measures aimed at combating corruption; fostering selection of qualified service providers through a transparent and competitive bidding and selection process; professionally sound accounting, auditing, and reporting requirements; independent monitoring and evaluation; and establishment of fair procedures for registering and resolving disputes. Good governance policy principles are especially important for making PPPs pro-poor because: (i) the higher the hidden costs of a PPP venture, the less likely it is that its services will be affordable or accessible to the poor; (ii) the poor are least able to protect themselves from abuses committed by an ill-governed PPP; and (iii) public perceptions of bad governance can undermine public support for PPPs as a whole, which will threaten the existence and sustainability of any given arrangement, and all other such innovative ways of public-private collaboration.

D. Taking Care of Financing Risks: Asymmetrical Risk Allocation Can Weigh on the Poor

The financing structure of PPPs (often overlooked) should be taken care of carefully. Asymmetrical allocation of financing risks can weigh on the poor. The way in which PPPs are financed, and the manner in which risks are allocated between government and private participants, has an important bearing on the degree to which such initiatives will benefit the poor. If a PPP is adequately capitalized, competitively financed, and has made adequate provisions to manage political, market, financial, institutional, and external risks, then it is likely to provide services at a competitive price to all consumers, including the poor. If, on the other hand, such ventures are undercapitalized, financed at a high cost, or ill-prepared to manage likely risks, then the costs are liable to be excessive, and the long-run viability of the endeavor may be in doubt.

Government’s role in financing PPPs can range from full financial support for all activities (i.e., in cases of contracting out provision of subsidized services to the poor) to providing no financing support at all for ventures that are expected to be commercially viable. Where domestic financial markets are shallow, and international sources of term finance unavailable or insufficient to support private investment, the public sector plays an important role in securing and channeling term finance, and in helping to attract suitable international investors for large-scale PPPs. International financial institutions, including the multilateral development banks, have therefore an important role to play in securing and structuring the financial support to create viable PPPs.

Risk allocation is one the most difficult institutional areas of PPPs, and is key to making these work for the poor. Risk influences the overall cost of the project through the premiums for services demanded by contractors, and will ultimately affect the degree to which value-for-money is delivered. The objective is to achieve a cost-effective risk transfer, and *not simply risk allocation for its own sake*. This implies that risk should be transferred to the party best able to manage it in the most cost-effective manner. If too much of the service delivery risk is to be borne by the private sector, this can result in service charges that are set too high for poor communities, or cases in which new capital investment in wealthier (i.e., low-risk) areas is accorded preference over underserved poorer areas. A special risk management problem is created by the lack of clear land tenure or residency permits for many low-income communities, particularly in slums or periurban areas. Clear provisions must be made to define the legal risks and responsibilities for providing

services to those who reside in areas whose settlement rights are unclear, otherwise these poor areas are bound to be bypassed.

The way in which a PPP's financial risks are anticipated, structured, and managed also has a major influence on the costs and viability of the services that PPP provides. Unless major risks are anticipated, and suitable arrangements made for their management at the time project financing is secured and approved, the sustainability of a PPP can be jeopardized. The degree to which the PPP is exposed to and manages interest-rate risk, foreign exchange exposure, political risk, labor risk, and market risk exert a major influence on the costs and returns of the services it delivers. The public sector has a legitimate interest in ensuring that costs are sufficiently contained and risks well managed to ensure that the services provided are not prohibitively expensive, on one hand, or commercially unviable, on the other. While responsibility for the commercial viability of the PPP should be assigned to the private provider, responsibility for other forms of risk (i.e., political, exchange rate, natural disaster, etc.) should be borne by the party best able to manage such risks (see Box 9).

Box 9
CAREFULLY STRUCTURING PROJECT RISK: POWER IN BANGLADESH

In 2001, ADB approved a US\$50 million loan for Bangladesh's first private sector power project. ADB helped generate a further US\$90 million for the project from commercial banks. A government-owned financial institution put up another US\$80 million and the US independent power producer AES made an equity investment of another US\$80 million. ADB helped the Government of Bangladesh design the project specifically to increase private sector participation in the power sector. This was also the first project in which ADB used its political risk guarantee scheme to leverage funds, raising US\$70 million in this way for the US\$300 million project. The political risk guarantee scheme offers protection against political risks that may arise in connection with a project, such as nationalization, foreign exchange moratoria, and government failure to honor its payment obligations.

Source: ADB (2003).

Is there any room for a grants component in PPP? Arguably, at least from theoretical standpoint, there are cases in which it may be in the public's interest to subsidize the capital investment of commercially viable PPP operations. (This occurs in cases in which the optimal ratio of social returns to benefits can be obtained at a level of service provision greater than that generated by private comparisons of financial costs and returns.) For example, capital subsidies may be warranted if this would enable the PPP to extend the reach of its services to poor regions or poor groups of consumers who would otherwise be excluded. Other examples are cases in which public subsidies would enable the PPPs to reap positive economies of scale, scope, or network economies, which would allow PPPs to lower its cost of delivering services to the poor. The key test of whether or not capital subsidies for a PPP is warranted is if this is the most cost-effective way of ensuring that the poor have access to an essential service at an affordable price (ADB 2002).

Risks to investors are increased in the absence of well-developed legal and regulatory frameworks. Higher risks are reflected in higher project costs, which are then passed on, directly or indirectly, to the poor. The absence of well-defined legal frameworks and regulatory institutions encourage

investors, many of whom may not be qualified, to rely on special favors and political relationships rather than on their technical merits to secure and structure contracts. In such settings, the profitability of an investment has little to do with the degree to which the poor are well served, and a great deal to do with the special regulatory treatment or forbearance from the authorities that can be obtained.

As a general principle, the transfer of infrastructure or social services to the private sector should not lead to privileged deals or to profits secured by government guarantees. Building a strong legal framework and regulatory enforcement capacity for PPPs is important to guarantee that this will not be the case.

E. Building Pro-poor Practices into PPP Project Design

Participation is key to fostering PPP project designs that are responsive to the needs and desires of the poor. Such participation can take many forms. Public consultation, hearings, and stakeholder meetings can be used to ensure that the voices of those who will be directly affected, and those that are expected to benefit from the PPP, will be heard. Strategic alliances can be struck between commercial service providers and community-based organizations (CBOs) or NGOs to boost the representation of the poor in project design. In ADB-supported PPPs, it is common that NGOs and CBOs are encouraged to participate in identifying options for extending and improving services to poor communities. And in some, involvement of NGOs is central to the public-private partnership (see Box 10). Involving NGOs and CBOs can also assist in developing and delivering public awareness campaigns targeted to low-income households. Such measures can help to help foster a sense of community ownership, awareness, and shared responsibility for the success of the PPP.

Participation also has a commercial dimension. Estimates can be made of the ability and willingness of the poor to pay for PPP services to establish appropriate tariff policies. Special problems that would hinder participation of the poor in PPPs on a purely commercial basis, such as a lack of clear titles to urban dwellings or inadequate ancillary services, could be locally addressed.

Box 10
BUILDING A GOVERNMENT–NGO PARTNERSHIP TO REACH THE URBAN ULTRA-POOR:
HEALTH CARE IN BANGLADESH

The Bangladesh Urban Primary Health Care Project has contracted out the delivery of primary health services to nongovernment organizations. The pilot project has targeted the urban poor in the major cities of Dhaka, Chittagong, Khulna, and Rajshahi, which have most of the country's slums. The project provided services such as immunization, micronutrient support, family planning, prenatal care, and assistance to victims of domestic violence. Approximately one quarter of deaths among women aged 15 to 44 are maternity-related, with violence accounting for a large proportion of the remainder. Competitive tendering for the provision of primary health care services has been used to decrease prices, enhance access, and improve quality of health services.

Some 16 partnership agreements with contractors in the four cities were entered into, of which 15 were with NGOs and one with the Chittigong City Corporation Health Department. Each performance contract involves a clearly defined catchment area of generally 4-5 wards, with an average population of 300,000. To decentralize and expand access of the poor to primary health care services, the project will construct 143 new and fully equipped health centers, to be located near slums and used by the NGO and private sector health contractors. The primary health care centers provide affordable quality treatment to improve the health of women and children in the urban slums. In addition to safe deliveries, antenatal care, and postnatal care, the centers provide comprehensive reproductive health care and advice on hygiene, nutrition, and maternal and child health. More than 1 million client visits were made to the centers in 2002, and the numbers have been steadily rising each year.

The project has also helped local governments strengthen their ability to manage, finance, and plan health services. The project will address infectious diseases such as polio, measles, tuberculosis, and sexually transmitted diseases. Successful bidders for the partnership agreements are required to offer a plan that deals with domestic violence, including proper referral to legal, counseling, and crisis management services. As health workers are often the first point of contact for victims, they are trained to provide immediate psychological support, detect cases of assault, and increase community awareness of the issue. The Local Government Division of the Ministry of Local Government, Rural Development and Cooperatives, is the executing agency for the project, and has been operating this PPP since 1997. The second phase of project support was to start in 2005.

Source: Staff summaries based on relevant project documents.

Another way to foster pro-poor PPPs is to encourage community ownership and participation in projects. Community-based initiatives may be valuable and viable in their own right, particularly as small-scale ventures that are linked to local demand in underserved regions. In addition, community-based initiatives can also play an important role as a bridge between large-scale, commercial PPPs and services suitable for poor groups (Box 11). Support for community-based PPP initiatives can also have a long-term benefit, in terms of building the capacity of alternative service providers for the poor.

Box 11

**USING A PUBLIC-NGO PARTNERSHIP TO LINK THE POOR TO A PPP:
THE LOW INCOME CONSUMER SUPPORT UNIT (LICSU) OF THE KATHMANDU URBAN WATER SUPPLY PROJECT**

The establishment of a Low-Income Consumer Support Unit (LICSU) that will facilitate service delivery for the poor will be one of the new management contractor's contractual obligations in the Kathmandu Valley Water Services Sector Development Program. The LICSU will help nurture pro-poor corporate culture and commitment to serving the poor. In parallel, tariff reforms will be implemented to increase overall tariff revenues by 15%, and modify the tariff structure so as to minimize potential abuse, especially by unmetered customers. Finally, performance indicators will be introduced to give incentives for the management contractor to undertake a more equitable distribution of water, with more and regular hours during daytime rather than haphazardly at night, including improved operational efficiency.

Consumer surveys in Kathmandu Valley indicate that an estimated 29% of households are not connected to the piped water supply network, and of these, 60% are poor (classified as earning less than the official poverty line of Rs 6,100 [US\$84] per person per year). According to the census, there were about 218,000 households in the five municipalities of the Valley in 2001, which means that about 63,000 households were unconnected, of which about 38,000 were poor. The unconnected poor have to rely on traditional stone-spouts, tap stands, shallow wells, or informal connections. Such alternative supplies are usually grossly inadequate even for basic hygienic needs, are unreliable, of poor quality, and/or expensive. A considerable amount of time is spent, especially by women and children, on queuing at water sources and carrying home water containers. It is estimated that there are at least 1,500 existing tap stands in the Valley, although there is no precise record of the number or evaluation of the levels of service they currently provide. Many of the existing tap stands are in areas where they are little used, while there is a great need for new tap stands in other areas, particularly near squatter areas.

An ADB grant will help to finance the first 3 years of LICSU activities by financing interim services for the poor in order to relieve the water stress in neighborhoods identified as high priority, using rehabilitated or new community tap stands served by the piped water supply network or tankers; carrying out a network densification and adding new connections in priority neighborhoods where many poor people live; and in the long term, extending and rehabilitating the piped water supply network to allow regular connection with full services for all residents of the Valley.

Source: Staff summaries based on relevant project documents.

PPPs, particularly those that involve large infrastructure investments, may have adverse environmental and social impacts. Unless good environmental and social practices are observed, it is possible that the poor residing in the immediate vicinity of the PPP project could be adversely affected. Good standards of environmental and social practice will allow a PPP to anticipate and minimize adverse environmental and social impacts at the start, and to take proper action to mitigate adverse impacts. Projects tend to proceed faster, with less delays and disruptions, when social and environmental risks are adequately assessed, mitigation measures devised, and the support of affected communities secured at the start of a PPP project. In Asia and the Pacific region, the record of many PPPs in observing sound environmental and social safeguards is mixed. This is one reason why ADB, together with other multilateral financiers, has attempted to device good practices for others to emulate (Box 12).

Box 12
CATCHING UP TO GOOD ENVIRONMENTAL AND SOCIAL PRACTICE:
THE LAO PDR NAM THEUN HYDROPOWER PROJECT

The Lao PDR Nam Theun Hydropwer Project was designed and constructed before ADB had adopted its environmental and social impact assessment policies. Although an environment and social assessment was conducted, this did not include adequate baseline information. During project implementation, it became apparent that the environmental and social impacts were more extensive than anticipated. Some 57 villages were affected by the loss of river gardens, erosion, and impacts on fisheries. A more detailed agreement on mitigation measures was signed by the government and Theun-Hinboun Power Company (THPC) Limited and more funds were allocated for this purpose. In June 2000, a 10-year mitigation and compensation program was agreed on, and a new Environmental Management Division was formed within THPC in 2001 to implement it. This embodies best international practice in terms of participation, gender development, and promotion of integrated health, social development and sustainable livelihood initiatives.

IV. SUMMARY OF LESSONS AND CONCLUSIONS

A. PPPs Can and Do Help to Reduce Poverty

To make PPPs pro-poor, the primary challenge is to maximize the potential of this family of institutional arrangements to create value-for-money in providing services to the poor. For this, governments needs to get the PPP framework right, so that it is possible to involve the private sector in delivering formerly public services in a way that is efficient, effective, and sustainable. Above and beyond this is the imperative of ensuring that PPPs are designed and deployed as a poverty reduction intervention, rather than simply as a delivery service or for easing the government's budgetary burden. This second layer of challenges adds a new and important dimension to the way in which private and public sector roles and responsibilities are organized and put into practice.

B. The Necessary First Step is to Make PPPs Work

PPPs can only serve the poor if they deliver *value-for-money* in the services they provide. Changing the balance of public and private roles and responsibilities is warranted if there is a sustained improvement in access, quality, and cost of services provided. The key challenge in fostering pro-poor PPPs is to create a process and an environment by which quality results can be guaranteed and regularly monitored and assessed. For these purposes, rules and regulations that work well for both partners need to be created. This involves the following:

- (i) a move from input-based to output-based contracting, to instill a more sophisticated and cost-effective approach to the management of risk by the public sector than is generally achieved by traditional, input-based procurement
- (ii) relevant procurement processes, procedures, and instruments
- (iii) clear legal structure and legal due diligence to cater to contractual issues, define constraints to PPP implementation as well as project scope, and enable long-term financing

- (iv) effective regulatory institutions involving well-crafted checks and balances to create codependency, transparency, fairness, and proportionality in project risk, effective user charges to safeguard consumer interests, and appropriate oversight
- (v) macroeconomic stability, which is required to facilitate planning and forecasting of project costs and returns, and for adequate regulatory oversight

C. Making PPPs Work for the Poor

Can PPPs be made to work for the poor? The answer is yes, and not only because theory would suggest that it is possible. There is ample evidence in a number of countries in Asia and the Pacific region that PPPs can be a powerful, market-friendly instrument for poverty reduction, especially if policy frameworks focus on widening service access and encouraging competitive service delivery; if subsidies are well designed; if risks are properly allocated; if tariff affordability considerations are carefully assessed; and if pro-poor regulations and effective regulators are in place. Added to this, given the need for governments to recognize that they may also have a true “equity” stake in PPPs, a case can be made for inserting a public grant in a PPP if this will substantially extend its social benefits.

The examples from ADB-assisted PPPs demonstrate that there are many ways in which PPPs do convey benefits to the poor. In terms of impact, some of the ways in which PPPs can reach the poor include:

- (i) generating fiscal savings that governments can use to finance needed social programs
- (ii) reducing the cost of service delivery through careful contracting and proper risk allocation so that the poor can afford to pay for services
- (iii) connecting the hard-to-reach poor to essential utilities and social services by integrating companies with NGOs
- (iv) meeting the locally identified service requirements by providing sufficient financial incentives for local government to attract private businesses
- (v) putting in place a pro-poor regulatory regime to provide companies with a positive incentive to progressively widen coverage
- (vi) involving the poor directly in delivering services that had previously been a monopoly of the government
- (vii) lowering costs of service provision by injecting competition into the market
- (viii) innovating and creating new services tailored to the special needs of poor consumers

Experience suggests that a complex web of incentives and institutions underpin a successful PPP operation. Structuring incentives so that the corporate sector, NGOs, and community-based organizations would be willing to provide services effectively and efficiently to poor customers is at the heart of this institutional equation. Good practices drawn from experience in Asia and the Pacific region suggest a number of lessons. First, the MDG indicators should be seen not as problems but as business opportunities. Second, PPP strategies and business plans should be

located within the context of national poverty reduction strategies. Third, policy setting for PPPs should be structured in a way to ensure that issues relevant to the needs of the poor, such as affordability and universal coverage, are adequately addressed. Fourth, pro-poor regulations and effective regulatory bodies should be put in place to safeguard the interests of the poor from PPP abuse. Fifth, PPP contracting processes accord emphasis to competitive service delivery, and the structuring of risks and tariffs should ensure that the poor will be provided affordable services. Sixth, ensure that project development processes are participatory and innovative, and that they safeguard those residing in the project sites. As long as such measures are made consistent with good commercial practice, than there will clearly be opportunities for businesses to profit, in partnership with government, from serving the poor.

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