

## GENERAL INFORMATION

<b>Capital:</b> Windhoek	<b>Population:</b> 2,458,830 (2015)	<b>GDP (USD):</b> 11,492 Million (2015)
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## LEGAL AND INSTITUTIONAL FRAMEWORK

<b>PPP Law</b>	<ul style="list-style-type: none"> <li>- No dedicated PPP Law; the PPP Bill is still under review by the National Assembly.</li> <li>- Namibia Public Private Partnership Policy (NPPPP), 2012</li> </ul>
<b>Other Applicable Sectoral Law</b>	<ul style="list-style-type: none"> <li>- The Public Procurement Bill still under first review at the National Assembly</li> </ul>
<b>PPP Unit</b>	<ul style="list-style-type: none"> <li>- No PPP Unit; PPP are implemented by line Ministries under the authority of the Ministry of Finance</li> </ul>
<b>Definition (Sect. 4 of NPPPP, 2012)</b>	<p>“The Public-Private-Partnership may be based on its three essential elements – a contractual arrangement, substantial risk transfer, and outcome-based financial rewards to the private sector.</p> <p>Namibia will define PPP as a medium to long term contractual relationship between the public sector and other private partners in the sharing and transferring of risks and rewards in the performance of a departmental function and also in the provision of infrastructure and/or services” (Section 4, Definition of a PPP, NPPPP)</p>

<p><b>General Principles</b></p> <p><b>(Objectives of PPP, Preliminary of NPPPP, 2012)</b></p>	<ul style="list-style-type: none"> <li>- Encourage private sector investment and innovation;</li> <li>- Ensure rigorous oversight and governance;</li> <li>- Achieve capacity development and skills transfer,</li> <li>- Encourage service delivery, poverty reduction, employment creation and inequality reduction focus to be woven into the PPP project design and evaluation (Objectives of PPP)</li> </ul>
<p><b>Tendering and contracting procedures/ Choice of the private partnership</b></p> <p><b>(Sect. 2 Key principles of PPP of NPPPP, 2012)</b></p>	<p>PPP shall be implemented through the procurement process and approval (Sect. 20)</p> <ul style="list-style-type: none"> <li>- Through a competitive process;</li> <li>- Through a sole bid/speculative bid (sect. 29); or</li> <li>- Via unsolicited proposals (art. 49)</li> </ul>
<p><b>Project Evaluation</b></p> <p><b>(Art. 36 of NPPPP, 2012)</b></p>	<p>The future PPP Unit or Committee shall undertake project feasibility assessment for each PPP project (art. 36)</p>
<p><b>Negotiation and Signature of PPP Contracts</b></p> <p><b>(Sect. 23 of NPPPP, 2012)</b></p>	<p>A Negotiation Committee shall be appointed by the relevant line Ministry and shall be different from the Evaluation Committee (Sect. 23 of NPPPP).</p> <p>No provision in the Policy regarding the signature/form of the PPP contracts.</p>
<p><b>Rights and Obligations of the public partner</b></p>	<p>No provision in the Policy; subject to negotiations.</p>
<p><b>Rights and Obligations of the private partner</b></p>	<p>No provision in the Policy; subject to negotiations.</p>
<p><b>Obligations of both public and private partners</b></p>	<p>No provision in the Policy; subject to negotiations.</p>
<p><b>Applicable Law/ Dispute resolution</b></p> <p><b>(Art. 26 of NPPPP, 2012)</b></p>	<p>Any dispute should be resolved amicably between counter parties at the Contract Manager level in the first instance and then with the help of a mediator; If no resolution is achieved then the matter will be referred for arbitration as per Namibia'</p>

Arbitration Act, 1965 (art. 26)

## EXAMPLES OF PROJECTS STRUCTURED AS PPP

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**Energy**

Reho-Electricity

**Water**

Goreangab Water Plant