



# General Assembly

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Report of the United Nations Commission on International  
Trade Law on the work of its fifty-second session

**Draft resolution**

## **Model Legislative Provisions on Public-Private Partnerships of the United Nations Commission on International Trade Law**

*The General Assembly,*

*Recalling* its resolution [2205 \(XXI\)](#) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

*Recalling also* its resolution [58/4](#) of 31 October 2003, by which it adopted the United Nations Convention against Corruption,<sup>1</sup>

*Recalling further* its resolution [70/1](#) of 25 September 2015, by which it adopted the 2030 Agenda for Sustainable Development, and its resolution [69/313](#) of 27 July 2015, by which it endorsed the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

*Convinced* that public-private partnerships can play an important role in improving the provision and sound management of infrastructure and public services and in supporting government efforts to achieve the Sustainable Development Goals,

*Concerned* that the inadequacy of the legal framework and a lack of transparency may discourage investment in infrastructure and public services and lead to a greater risk of corruption and mismanagement of public funds,

*Emphasizing* the importance of providing efficient and transparent procedures for the awarding of contracts for public-private partnerships and of facilitating project implementation through rules that enhance transparency, fairness and long-term

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<sup>1</sup> See also United Nations, *Treaty Series*, vol. 2349, No. 42146.



sustainability and remove undesirable restrictions on private sector participation in the development and operation of infrastructure and public services,

*Recalling* the valuable guidance that the Commission has provided to Member States towards the establishment of a favourable legislative framework in that respect, through its *Legislative Guide on Privately Financed Infrastructure Projects*<sup>2</sup> and the accompanying Model Legislative Provisions on Privately Financed Infrastructure Projects,<sup>3</sup> and the recommendation by the General Assembly, in its resolution 58/76 of 9 December 2003, that States give due consideration to those texts when revising or adopting legislation related to private participation in the development and operation of public infrastructure,

*Convinced* that the advice provided by the Commission will be of further assistance to States, in particular developing countries, in promoting good governance and establishing appropriate legislative frameworks for public-private partnership projects,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for the completion and adoption<sup>4</sup> of the Model Legislative Provisions on Public-Private Partnerships<sup>5</sup> and the Legislative Guide on Public-Private Partnerships;

2. *Requests* the Secretary-General to publish the Model Legislative Provisions and the Legislative Guide, including electronically, in the six official languages of the United Nations and to disseminate them broadly to Governments and relevant international intergovernmental and non-governmental organizations, private sector entities and academic institutions;

3. *Recommends* that all States give due consideration to the Model Legislative Provisions and the Legislative Guide when revising or adopting legislation relevant to public-private partnerships, and invites States that have used the Model Legislative Provisions to advise the Commission accordingly.

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<sup>2</sup> United Nations publication, Sales No. E.01.V.4.

<sup>3</sup> *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17)*, annex I.

<sup>4</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, chap. III.

<sup>5</sup> *Ibid.*, annex I.