

# EL LEGAL AND REGULATORY INDICES SNAPSHOT: Level of Ministerial Influence in SSA Power Markets<sup>1</sup>

LEVEL OF MINISTERIAL INFLUENCE					
COUNTRIES	ASSESSMENT PARAMETERS: <sup>2</sup>				Rating (High, Medium, and Low)
	Regulatory Governance	Licensing	Power Procurement	Dispute Resolution	
<b>Angola</b>	✓ (Supervisory Capacity)	✓ (Granting Licences)	✓ (Executing Concession Agreements)	✗	<b>High</b>
<b>Burkina Faso</b>	✗	✓ (Issuance of Decrees)	✓ (Execution and publishing of tenders)	✓ (Issuance of Decrees)	
<b>Cape Verde</b>	✓ (Supervisory Capacity)	✓ (Granting Licences)	✓ (Approval)	✗	
<b>Central African Republic</b>	✓ (Supervisory Capacity)	✓ (Authorizations)	✓ (Execution and publishing of Tenders)	✗	
<b>Chad</b>	✓ (Supervisory Capacity)	✓ (Granting Licences)	✗	✓ (Rulings are subject to Government Interference)	
<b>Comoros</b>	✓ (Supervisory Capacity)	✓ (Granting Licences)	✗	✓ (Resolution of Disputes)	
<b>Congo Republic</b>	✓ (Policy Guidance)	✓ (Public Service Delegation)	✓ (Approval)	✗	
<b>Eritrea</b>	✓ (Regulation of the Power Sector)	✓ (Granting Licences)	✗	✓ (Resolution of Investment Disputes)	
<b>Djibouti</b>	✓ (Supervisory Capacity)	✓ (Granting Licences)	✗	✓ (Appeal)	
<b>Guinea Bissau</b>	✓ (Supervisory Capacity / Formulation and Regulation of Policies)	✓ (Granting Licences)	✓ (Publishing calls for Tenders)	✗	
<b>Ivory Coast</b>	✓ (Regulation of the Power Sector)	✓ (Issuance of Decrees)	✓ (Execution and publishing of Tenders)	✗	
<b>Niger</b>	✓ (Supervisory Capacity)	✓ (Issuance of Decrees)	✓ (Serving notices for Calls for Tenders)	✓ (Arbitral Dispute Settlement)	
<b>Somalia</b>	✓ (Oversight Functions)	✓ (Granting Licences)	✓ (Fully responsible for Procurement activities)	✗	



<b>Benin</b>	✓ (Supervisory Capacity)	✓ (Public Service Delegation)	✗	✗
<b>Burundi</b>	✓ (Oversight Functions)	✓ (Concessions, Authorizations, Declarations, etc.)	✗	✗
<b>Cameroon</b>	✓ (Supervisory Capacity)	✓ (Granting Licences)	✗	✗
<b>Ethiopia</b>	✓ (Supervisory Capacity)	✗	✗	✓ (Issuance of Dispute Settlement Regulations)
<b>Equatorial Guinea</b>	✓ (Managing the development of the Sector)	✓ (Granting Licences)	✗	✗
<b>Gabon</b>	✓ (Supervisory Capacity)	✓ (Issuance of Decree / Management Delegation)	✗	✗
<b>Guinea</b>	✓ (Formulation of Policies)	✓ (Public Service Delegation)	✗	✗
<b>Lesotho</b>	✓ (Issuing Directives and Guidelines for the sector)	✗	✗	✓ (Appeal)
<b>Madagascar</b>	✓ (Oversight and Coordination)	✗	✓ (Launching Tenders and Calls for Expression of Interest)	✗
<b>Mauritania</b>	✓ (Regulation of the Power Sector)	✓ (Granting Licences)	✗	✗
<b>Nigeria</b>	✓ (Supervisory Capacity)	✗	✓ (Supervisory Capacity)	✗
<b>Sao Tome and Principe</b>	✓ (Supervisory Capacity)	✗	✓ (Inviting Bids from Eligible Bidders)	✗
<b>Senegal</b>	✓ (Formulation and execution of Policies)	✓ (Granting Licences)	✗	✗
<b>Seychelles</b>	✓ (Supervisory Capacity)	✗	✓ (Execution and publishing of Tenders)	✗
<b>Sierra Leone</b>	✓ (Oversight Functions)	✗	✓ (Displaying Project Bids online)	✗
<b>South Africa</b>	✗	✓ (Prescribing conditions for Licence Acquisition)	✓ (Supervisory Capacity)	✗
<b>South Sudan</b>	✓ (Formulation of Policies)	✗	✓ (Fully responsible for Procurement activities)	✗
<b>Zambia</b>	✓ (Supervisory Capacity)	✓ (Granting of Authorizations)	✗	✗

**Medium**



<b>Botswana</b>	x	✓ (Granting Licences)	x	x	<b>Low</b>
<b>Democratic Republic of Congo (DRC)</b>	✓ (Supervisory Capacity)	x	x	x	
<b>Eswatini (Swaziland)</b>	x	x	✓ (Execution and publishing of Tenders.)	x	
<b>Gambia</b>	✓ (Formulation of Policies)	x	x	x	
<b>Ghana</b>	x	x	x	x	
<b>Kenya</b>	✓ (Supervisory Capacity)	x	x	x	
<b>Liberia</b>	✓ (Administration of Electricity Laws)	x	x	x	
<b>Malawi</b>	✓ (Formulation of Policies)	x	x	x	
<b>Mali</b>	✓ (Managing the development of the Sector)	x	x	x	
<b>Mauritius</b>	x	x	x	x	
<b>Mozambique</b>	✓ (Supervisory Capacity)	x	x	x	
<b>Namibia</b>	x	x	✓ (Publishing Calls for Tenders)	x	
<b>Rwanda</b>	✓ (Managing the development of the Sector)	x	x	x	
<b>Sudan</b>	x	✓ (Granting Licences)	x	x	
<b>Tanzania</b>	✓ (Issuing Directives and Guidelines for the sector)	x	x	x	
<b>Togo</b>	✓ (Formulation and execution of Policies)	x	x	x	
<b>Uganda</b>	x	x	x	x	
<b>Zimbabwe</b>	✓ (Supervisory Capacity)	x	x	x	

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## Endnotes

- Information contained in brackets are drawn from [Electricity Lawyer's Legal and Regulatory Briefs \(LRBs\)](#) and [Legal and Regulatory Factsheets \(LRFs\)](#), [Primary Law Repository](#) which are accessible on the website.
- The assessment parameters employed as the criteria for determining the level of ministerial influence across the SSA countries have been formulated based on Electricity Lawyer's understanding of electricity markets alongside the Electricity Laws and Regulations of the respective SSA countries and research undertaken on the role of Governments in the Electricity Sectors of States following an inductive reasoning process. The parameters are in no manner expressed as exhaustive. See OAS, Chapter 4 – Government's Role in the Electricity Sector. Available at <http://www.oas.org/dsd/publications/unit/oea79e/cho8.htm>

