

**MEMORANDUM OF UNDERSTANDING**

**on**

**COOPERATION IN THE FIELD OF SUSTAINABLE ENERGY FOR  
CLIMATE CHANGE ADAPTATION AND MITIGATION**

**between**

**THE MINISTRY OF ENERGY AND PETROLEUM (MOEP)  
OF THE REPUBLIC OF KENYA**

**and**

**THE MINISTRY FOR THE ENVIRONMENT, LAND AND SEA (IMELS)  
OF THE ITALIAN REPUBLIC**

**The Ministry of Energy and Petroleum of the Republic of Kenya and the Ministry for the Environment, Land and Sea of the Italian Republic**, hereafter referred to as “the Signatories”;

### **Preamble**

**RECALLING** that the Republic of Kenya and the Italian Republic are Parties to the United Nations Framework Convention on Climate Change (UNFCCC), to the Kyoto Protocol and have signed the Paris Agreement;

**RECALLING** that the 21<sup>st</sup> Meeting of the Parties to the UNFCCC has adopted the Paris Agreement to combat climate change;

**EMPHASIZING** that the Paris Agreement, in enhancing the implementation of the UNFCCC, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty;

**TAKING INTO ACCOUNT** Article 4 of the Paris Agreement, and Decisions 1/CP.19, 1/CP.20 and 1/CP.21 of the Conference of the Parties to the UNFCCC, which invite all Parties to identify and communicate their Intended Nationally Determined Contributions;

**EMPHASIZING** that enhanced action and international cooperation on mitigation and adaptation is urgently required to enable and support the implementation of actions aimed at reducing greenhouse gas emissions and climate change vulnerability and building resilience;

**EMPHASIZING** the importance of international cooperation on development and on the fight against climate change for developing country Parties, taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable;

Have entered into the following Memorandum of Understanding (MoU):

## **Article 1**

### **Scope and Objective**

1.1 This MoU shall be the framework for future activities and projects in areas of common interest of the Signatories.

1.2 The objective of this MoU, within the competences of the Signatories, is to promote secure, clean and efficient energy in order to strengthen and coordinate the efforts to combat global climate change, address its adverse effects and reduce vulnerability, to protect the environment and natural resources, and to stimulate the transition towards a sustainable low-carbon economy.

## **Article 2**

### **Areas of cooperation**

The Signatories will cooperate, in particular, in the following areas of common interest:

- a) support to the implementation, monitoring, reporting and communication of the Nationally Determined Contributions (NDCs) in the renewable energy sector;
- b) support to the development and implementation of policies, strategies and plans in the sustainable energy sector in order to achieve the emission reduction target adopted by the Republic of Kenya;
- c) promotion and development of renewable energies, in particular hydropower, geothermal, biomass, wind and solar;
- d) enhancement of energy efficiency;
- e) promotion and deployment of renewable energy technologies for off-grid rural electrification as decentralized systems;
- f) stimulation and dissemination of the economic and technological transformation for low-carbon, sustainable development.

Further areas of cooperation, within the limits of this MoU, may be included upon approval by the Signatories.

## **Article 3**

### **Activities**

The cooperation between the Signatories will be conducted through the following means:

- realization of joint projects;

- capacity building, training, technology transfer and technical assistance;
- exchange of information and documents related to renewable energy and environment, including programs, publications, expertise and study results;
- exchange of experts and trainees, organization of delegation visits;
- joint organization of workshops, seminars and other meetings;
- promotion of private sector participation and activities to implement Public-Private Partnership initiatives;
- enhancement of cooperation with non-governmental organizations for mini-grid and renewable energy projects;
- enhancement of public education and awareness campaigns on measures for adaptation to climate change;
- development of joint fundraising activities with regard to global climate change and sustainable development.

Further activities of cooperation, within the limits of this MoU, may be included upon approval by the Signatories.

## **Article 4**

### **Coordination**

4.1 In order to ensure the efficient implementation of the provisions of this MoU, the Signatories will establish a Joint Implementation Committee.

4.2 The Joint Implementation Committee will be composed by two (2) representatives from the Ministry of Energy and Petroleum of the Republic of Kenya, and two (2) representatives from the Ministry for the Environment, Land and Sea of the Italian Republic.

4.3 The Ministry of Energy and Petroleum of the Republic of Kenya will be represented by the Secretary, Renewable Energy and one (1) expert.

4.4 The Ministry for the Environment, Land and Sea of the Italian Republic will be represented by the Director General of the *Directorate for Sustainable Development, Environmental Damage, European Union and International Affairs*, and one (1) expert.

4.5 The Joint Implementation Committee will provide general direction and guidance for the cooperation activities, approve the work plan, supervise and support the cooperation activities and take financial decision.

4.6 During its first meeting, the Joint Implementation Committee will adopt the following framework documents:

- *Rules of Procedure;*
- *Financial Document;*
- *Guiding Principles for Bilateral Cooperation Mechanism.*

The Joint Implementation Committee will also establish the frequency of the meetings and approve the medium term work plan, including projects and activities, as applicable.

4.7 In the subsequent meetings, the Joint Implementation Committee will:

- approve detailed activities and projects, including project budget and schedule, to be implemented and financed, under the framework of this Memorandum of Understanding;
- coordinate the implementation of the activities in the areas specified in Article 2;
- systematically review and assess the status, progress, results achieved, and lessons learned of the cooperation activities.

4.8 The Joint Implementation Committee will meet within six (6) months after the signature of the present MoU.

## **Article 5**

### **Work plan, projects and activities**

5.1 Upon signature of this MoU, the Signatories will appoint the experts who will prepare a medium term work plan identifying sectors of intervention, to be submitted to the Joint Committee for approval, as stipulated in Article 4.5.

5.2 In the implementation of the programs, projects and activities, consideration will be given to the participation of the public, private and non-profit sectors, including, where appropriate, universities, scientific and technical research bodies, non-governmental organizations, as well as institutions on both sides.

5.3 Taking into account the legal framework of each of the Signatories and their respective national obligations, the implementation of programs, projects and activities will be based on the principles of impartiality, equality, reciprocity and common interest.

## **Article 6**

### **Financial provisions**

6.1 The conduct of activities under this MoU shall be funded on terms to be mutually determined and agreed upon and shall be subject to the availability of funds and other

resources of the Signatories, without any additional costs for the respective ordinary State Budgets.

6.2 The Ministry for the Environment, Land and Sea of the Italian Republic will co-finance the implementation of the projects and activities under this MoU in an amount not exceeding EUR 3,000,000 (three million Euro).

6.3 Wherever there is a need to increase the global amount set in Paragraph 2, IMELS may decide to grant additional financing. Should it take such a decision, IMELS will inform the Ministry of Energy and Petroleum of the Republic of Kenya about the additional amount provided, in the occasion of the Joint Implementation Committee.

Funds will be issued according to the same terms and conditions set out in the Financial Document referred to in Article 4.6.

6.4 The Signatories will jointly submit project proposals to various multilateral organizations (*inter alia* the European Union, the International Financial Institutions, the United Nations organization, the World Bank Group), in order to assist the Republic of Kenya to fulfill its commitments under the UNFCCC and its instruments.

## **Article 7**

### **Law in force**

7.1 The Signatories shall adhere to the internationally accepted principles and values which shall be consistent with the applicable domestic laws. In the implementation of the present MoU, the Signatories intend to observe applicable international law obligations and their national laws, including, as for Italy, the obligations arising from its membership in the European Union.

## **Article 8**

### **Amendment**

8.1 The provisions of this MoU may be amended in writing by- mutual consent of the Signatories.

## **Article 9**

### **Confidentiality**

9.1 Any proprietary information (properly identified as such by the disclosing Signatory) to be contained in reports or disclosed by one Signatory to the other Signatory, shall be kept strictly confidential by the receiving Signatory, and shall not be disclosed to any third Signatory without the prior written consent of the original disclosing Signatory.

## **Article 10**

### **Dispute settlement**

10.1 In the event of any difference(s) or dispute(s) arising out of the interpretation or application of the provisions of this MoU, the Signatories shall immediately consult each other with the view to expeditiously resolving such differences or disputes in a spirit of mutual understanding and cooperation.

## **Article 11**

### **Effectiveness and Termination**

11.1 The present MoU becomes effective on the date of the signature and will remain effective for five (5) years, unless one of the Signatories notifies the other in writing, at least six (6) months in advance, of its intention to terminate it.

11.2 Termination of the present MoU will have no effect on ongoing cooperation projects and initiatives already agreed upon by the Signatories.

This MoU merely constitutes a statement of the mutual intentions of the Signatories with respect to its contents and does not constitute any legal obligation binding on either sides.

Done at Nairobi, on 23/01/2018, in two (2) original copies, in the English Language.

**For the Ministry of Energy and Petroleum of the  
Republic of Kenya**

**For the Ministry for the Environment, Land and  
Sea of the Italian Republic**

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Dr. Eng. Joseph K. Njoroge, CBS

PRINCIPAL SECRETARY

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Dr. Francesco La Camera

DIRECTOR GENERAL for Sustainable  
Development, Environmental Damage, European  
Union and International Affairs