

28 April, 2015

**Memorandum of Understanding**

**Between**

**The World Bank Inspection Panel**

**And**

**The European Investment Bank Complaints Mechanism**

**on cooperation regarding complaints received in relation to the  
Kenya Electricity Expansion Project**

1. The World Bank Inspection Panel (the Panel) and the European Investment Bank Complaints Mechanism (EIB-CM) intend to cooperate in certain aspects of their respective work on complaints received pertaining to the Kenya Electricity Expansion Project (the Project), a project which is co-financed both by the Word Bank and the European Investment Bank. This memorandum of understanding (MOU) sets forth the elements of this cooperation, which focuses on the sharing of information between the Panel and the EIB-CM within the limits set by confidentiality obligations arising from any applicable rule of law or conventional undertaking in carrying out their tasks under their respective mandates and processes. This cooperation is intended to promote efficiency so that each entity can carry out its work in an effective manner, consistent with each's mandate. The nature of cooperation described below is feasible and desirable given the respective mandates of the institutions and the similar nature of the matter which is subject to their respective processes. At all times, the cooperation between the Panel and EIB-CM shall be subject to the policies and procedures of their respective institutions, and in particular the protection of confidential information, business secrets and access to information. This Memorandum does not create legal relations between the Parties or impose binding obligations upon them.

## ***General***

2. The Panel is conducting an investigation, authorized by the World Bank's Board of Executive Directors on February 13, 2015, into whether the Bank observed its policies and procedures during the design, appraisal and supervision of the Project and related harm. The Panel's investigation will be conducted with respect to issues such as land titling, identification of Project Affected People (PAPs), livelihood restoration measures, grievance mechanism and indigenous peoples. It will also report on any relevant steps and actions taken by Bank Management or the EIB-CM during the course of the investigation to address the issues of harm and compliance relating to the concerns raised by the Requesters.

3. The EIB-CM is conducting an investigation, in line with its Principles, Terms of References and Rules of Procedures on issues related to the implementation of the Resettlement Action Plan. The EIB-CM is cooperating with the Panel with respect to the findings of its investigation on the issues listed in paragraph 3 and will seek for complementarities when feasible and appropriate, without prejudice to arrive independently to its own conclusion. The EIB-CM is also applying a problem solving approach, concerning the issues related to restoration of economic livelihood and the effectiveness of the grievance redress mechanism, by providing independent facilitation services to foster the dialogue between the complainants and the existing project organizational structures with the attempt to build trust and address the concerns raised.

## ***Consultants and facilitators***

4. The Panel and the EIB-CM will share the Terms of References (the "ToR") of any consultant and/or independent facilitator hired to assist with their respective processes.

## ***Field visits***

5. The Panel and EIB-CM will send a representative to participate in their respective field visits whenever appropriate.

## ***Sharing of information***

6. Consistent with their respective mandates and requirements, the Panel and EIB-CM will seek opportunities to share information, particularly relevant technical information, gathered during the course of their work.

7. It is understood at all times that, the Panel and the EIB-CM, will apply their own policies and procedures of their respective IFIs (the World Bank and the European Investment Bank) in their respective work. It is also understood at all times that each entity will arrive independently at their own conclusions.

8. The sharing of information will be adapted to the fact that there may be differences in the timing of the processes of the two mechanisms.

### ***Confidentiality***

9. The cooperation and sharing of information between the Panel and EIB-CM shall be subject to the confidentiality and disclosure of information requirements of each respective mechanism as well as comply with data protection rules. While technical information may be shared among the two mechanisms, this and all other information gathered and produced by consultants and facilitators shall otherwise remain subject to all applicable confidentiality requirements and disclosure of information, including those specified in the respective terms of reference and letters of appointment or contracts.

### ***Modifications, Unforeseen Circumstances***

10. The Panel and the EIB-CM enter the above arrangements in good faith and in a spirit of cooperation, in support of their respective missions and mandates. Both entities appreciate that unforeseen circumstances or other factors might arise that pose difficulties in relation to one or more of the elements noted above.

11. Accordingly, each entity considers that the above elements should be applied with a degree of flexibility to allow for change and adjustment as may be needed. Any such changes or adjustments should be considered and carried out in a spirit of cooperation and consultation.

### ***Entry into Force and Termination***

12. This Memorandum enters into force at the time of its signature and terminates when both the Panel and the EIB-CM declare the case closed.

For the EIB-CM

A blue ink signature, appearing to be 'Felismino Alcarpe', written in a cursive style.

Felismino Alcarpe  
Head of Division  
Complaints Mechanism  
European Investment Bank

For the Inspection Panel

A blue ink signature, appearing to be 'Dilek Barlas', written in a cursive style.

Dilek Barlas  
Executive Secretary  
Inspection Panel  
World Bank