



**Ministry of Environment  
and Food of Denmark**

# **Memorandum of Understanding**

**Between**

**GOVERNMENT OF THE REPUBLIC OF KENYA**

**The Ministry of Environment and Natural Resources**

**The Ministry of Industry, Trade and Cooperatives**

**AND**

**THE KINGDOM OF DENMARK**

**The Ministry of Environment and Food**

**On**

**Strategic Sector Cooperation in the Field of Environment and Industry**

## **PREAMBLE**

This Memorandum of Understanding is entered into on the 25<sup>th</sup> day of May 2016 between the Ministry of Environment and Natural Resources, the Ministry of Industry, Trade and Cooperatives of the Republic of Kenya and the Ministry of Environment and Food of The Kingdom of Denmark, (hereinafter collectively referred to as “the Parties”);

**Recognizing** that the Republic of Kenya and the Kingdom of Denmark are close allies in the effort to promote green growth both at the bilateral and at the global co-operation scale,

**Wishing** to promote a mutually beneficial cooperation in the fields of environmental protection, industry and the efficient use of natural resources;

**Referring** to the Government of Kenya’s Vision 2030 to create a globally competitive and prosperous country with a high quality of life by 2030”, the “Kenya Green Economy Strategy and Implementation Plan” (GESIP), the Danish Government’s policy paper “Denmark – Kenya partnership policy 2015-2020”, the Denmark – Kenya Country Program Green Growth and Employment, and the 2015 initiative “Partnering with Denmark for Sustainable Growth, Trade and Welfare; Danish Authorities in International Cooperation”

**Noting** the intentions in Kenya’s legislation and strategies to pursue sustainable manufacturing and resource efficiency,

**Building on** the long-lasting cooperation and close ties between the two countries, the common desire to expand cooperation in the fields of environment and industry for the benefit and welfare of their people and the important role

played by the environment sector in promoting green and inclusive economy, development of welfare and job creation.

**Emphasizing** the necessity of an efficient long-term cooperation, harmonized with achievements of past, ongoing and future Kenyan-Danish cooperation within the environmental and industrial sectors,

**Recognizing** the common interest in pursuing the Sustainable Development Goals by promoting a green economy and the inclusion of sustainable industrializations and environmental solutions;

**Sharing** an interest in finding all possible ways of cooperation in the field of environment through targeted and agreed actions,

**Bearing in mind** that this Memorandum of Understanding is intended to provide a general framework for cooperation and to express the desired intentions of the Parties,

Have reached the following understanding:

#### **ARTICLE1: OBJECTIVE**

- 1.1 This Memorandum of Understanding is the overall bilateral document of the Parties forming the basis for development and implementation of the Kenyan - Danish strategic sector cooperation in the field's of environment and industry.
- 1.2 The activities envisaged in this Memorandum will be implemented by the Parties under the exclusive competence of the Parties and in accordance with their respective national laws and international obligations and, as far as the Danish Party is concerned, obligations deriving from being member of the European Union.

## **ARTICLE 2: COMPETENT AUTHORITIES**

- 2.1 The Competent Authorities responsible for the implementation of this Agreement shall be:
- (a) In the case of the Government of the Republic of Kenya, the Ministry of Environment and Natural Resources and its affiliates; and the Ministry of Industry, Trade and Cooperatives and its affiliates,
  - (b) In the case of the Government of the Kingdom of Denmark, the Ministry of Environment and Food and its affiliates,
- 2.2. The Parties shall inform each other through the diplomatic channels of any changes in the official names of State authorities mentioned in paragraph 2.1, as well as of changes in the names and functions of their officials responsible for the implementation of this memorandum of understanding.

## **ARTICLE 3: AREAS OF CO-OPERATION**

- 3.1. The priority areas of co-operation between the Parties include:
- a) General greening of the Kenyan economy, in particular a move towards circular economy in the manufacturing sector;
  - b) Policies and instruments to accelerate sustainable production in a circular economy perspective;
  - c) Solid waste and waste water management systems, planning and regulation;
  - d) Environmental regulation practices;
  - e) Industrial symbiosis;
  - f) Eco-industrial park development;
  - g) Any other areas of environmental cooperation as mutually agreed by the parties.

## **ARTICLE 4: MODALITIES AND FORMS OF CO-OPERATION**

4.1. Cooperation between the Parties under this MoU may take the following forms:

- a) Exchanging of views and experiences on sustainable best practices;
- b) Organizing round tables, technical training, seminars, joint research and study tours in each country on the basis of mutual interest and benefit;
- c) Exchanging publicly available information, access to which is not restricted by the legislation of the States of both Parties, in fields mentioned in **Article 3**; and
- d) Other forms of cooperation as mutually decided upon by the Parties

#### **ARTICLE 5: CO-OPERATION MECHANISMS**

5.1 This Memorandum of Understanding is not intended to create any legally binding obligations.

5.2 This Memorandum of Understanding will be carried out in accordance with the respective laws of each country and within the functions and authorities of the two parties.

5.3 The Parties shall each nominate a contact person who will be coordinator of Communication and activities initiated under this Memorandum of Understanding.

5.4 The Parties undertake to establish a steering committee, comprising of not more than nine (9) members drawn from Government, Private Sector and Civil Society to coordinate implementation of the MoU.

5.5 The Committee shall meet on a biannual basis.

#### **ARTICLE 6: INVOLVEMENT OF PUBLIC –PRIVATE SECTORS**

6.1 In order to broaden the interest and scope of green growth, the Parties shall promote the involvement of their respective national Public and Private organizations, e.g. business communities and scientific institutions.

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6.2. The Parties will encourage and facilitate the direct engagements among the groups identified in paragraph 6.1 to work on a long term cooperation programs and initiatives, and especially to intensify possible partnerships (also at public-private level) in environment and industry.

#### **ARTICLE 7: FINANCIAL RESPONSIBILITIES**

7.1. Each Party will cover the costs of its participation to the joint activities. The activities set up by this Memorandum are subject to the availability of funds and personnel and to the laws and norms in the respective Countries.

7.2. Technical experts invited by one Party to provide technical assistance to the other Party shall be financed on the basis of mutual agreement between the parties.

7.3. Funding for joint projects on the issues of cooperation mentioned in Article 3 of this Memorandum of Understanding, shall be determined by the corresponding engagements among the organizations of Parties, concluded on the basis of prior consent of the Parties

#### **ARTICLE 8: ENTRY INTO FORCE AND TERMININATION**

8.1. This Memorandum of Understanding shall become effective on the date of signing and shall remain in force during the period of five (5) years.

8.2. It will be renewable automatically for successive periods as mutually agreed, unless one of the Parties notifies the other in writing through diplomatic channels of its intention to terminate the Memorandum of Understanding six (6) months prior to its expiration.

8.3. In the event that one party terminates the Memorandum of Understanding in accordance to paragraph 8.2, the ongoing projects will continue uninterrupted but parties may not enter into new projects.

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## **ARTICLE 9: AMENDMENTS**

9.1. The Parties may amend this Memorandum of Understanding by a consensus reached through exchanging views via diplomatic channels.

9.2 Any such amendments agreed upon shall be signed and dated shall enter into force in accordance with the procedure described in Article 8 of this Memorandum of Understanding.

## **ARTICLE 10: GOVERNANCE AND INTEGRITY**

10.1. No party shall offer or receive payments, promises, consideration, inducement or benefit of any kind, which could be regarded as an illegal or corrupt practice neither directly nor indirectly as an inducement or reward in relation to activities under this Memorandum of Understanding.

10.2. Any such practice, identified in paragraph 10.1, will be grounds for the immediate termination of this Memorandum of Understanding.

## **ARTICLE 11: SETTLEMENTS OF DISPUTES**

11.1. Any dispute arising in connection with interpretation or application of this Memorandum of Understanding shall be settled amicably through consultation among the Parties.

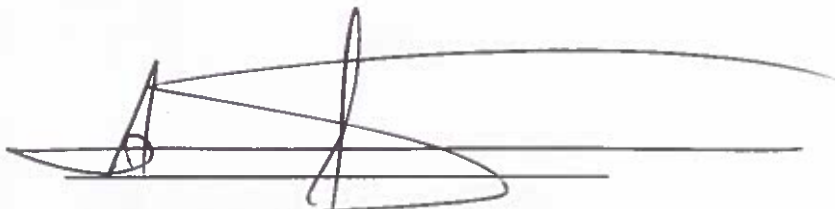
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**IN WITNESS WHEREOF**, the undersigned, being duly authorised by their respective Governments signed this Memorandum of Understanding in three original copies, in English Language, both text being equally authentic.

Done at NAIROBI 25<sup>th</sup> on May 2016



**Prof. Judi. W. Wakhungu, EGH**  
**Cabinet Secretary of Environment and**  
**Natural Resources of the Republic of**  
**Kenya**



**Adan Abdulla Mohamed, EGH**  
**Cabinet Secretary of Industry, Trade**  
**and Cooperatives of the Republic of**  
**Kenya**



**Mr. Esben Lunde Larsen**  
**Minister of the Environment and Food**  
**of the Kingdom of Denmark**

