



AGREEMENT FOR MUTUAL ENFORCEMENT OF DEBARMENT DECISIONS

PREAMBLE

The African Development Bank Group¹, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank Group² and the World Bank Group³ (each a “Participating Institution”, collectively the “Participating Institutions”):

Acknowledge their membership in the International Financial Institutions Anti-Corruption Task Force and the Uniform Framework for Preventing and Combating Fraud and Corruption, dated September 17, 2006 (the “Uniform Framework”) and attached hereto as Annex A.

Reaffirm the provisions of paragraph 5 of the Uniform Framework that:

“[e]ach of the member institutions of the IFI Task Force has a distinct mechanism for addressing and sanctioning violations of its respective anti-corruption policies,”

“mutual recognition of these enforcement actions would substantially assist in deterring and preventing corrupt practices,” and

Confirm the importance of establishing a system for mutual recognition of enforcement actions in furtherance of the provisions of paragraph 5 of the Uniform Framework.”

¹The African Development Bank Group consists of the African Development Bank, the African Development Fund and Nigeria Trust Fund. The African Development Bank and the African Development Fund are public international organizations and the Nigeria Trust Fund is a fund administered by the African Development Bank pursuant to a trust agreement.

²The Inter-American Development Bank Group consists of the Inter-American Development Bank (IDB), the Inter-American Investment Corporation (IIC) and the Multilateral Investment Fund (MIF), which cooperate on operations in their developing member countries. The IDB and the IIC are public international organizations. The MIF is a fund under the administration of the IDB. Each has a distinct legal status, governance structure and assets.

³The World Bank Group is comprised of the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), the International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA), and the International Centre for Settlement of Investment Disputes (ICSID).



Now agree as follows:

1. Each Participating Institution will enforce debarment decisions made by another Participating Institution, in accordance with the terms and conditions of this Agreement.

CORE PRINCIPLES

2. Each Participating Institution hereby represents that its internal mechanisms for addressing and sanctioning violations of its respective anti-corruption policies are consistent with, and incorporate, the following core principles:
 - a. Adoption of the harmonized definitions of sanctionable (also known as prohibited) practices that include (i) Fraudulent Practice, (ii) Corrupt Practice, (iii) Coercive Practice, and (iv) Collusive Practice, as defined in the Uniform Framework;
 - b. Adherence to the International Financial Institutions Principles and Guidelines for Investigations as they appear in the Uniform Framework, which require each Participating Institution to conduct fair, impartial and thorough investigations;
 - c. Application of a process to determine whether a sanctionable practice has occurred and the appropriate enforcement action to address it that:
 - i. Includes an internal authority responsible for the investigative function and a distinct decision-making authority;
 - ii. Operates pursuant to written and publicly available procedures that require (a) notice to the entity or entities and/or individual(s) against whom the allegations are made, and (b) an opportunity for those entities and individuals to respond to the allegations;
 - iii. Employs the standard of proof embodied in the Uniform Framework being “more probable than not,” or its equivalent; and
 - iv. Provides for a range of sanctions that takes into account the principle of proportionality, including mitigating and aggravating factors.



MODALITIES FOR MUTUAL ENFORCEMENT OF DEBARMENT DECISIONS

3. Each Participating Institution will promptly notify the other Participating Institutions of each debarment decision qualifying under Paragraph 4 made by its decision-making authority, and any modification thereto. The notice shall include (a) the names of the entities or individuals sanctioned, (b) the sanctionable practice(s) found to have been committed, and (c) the terms of the debarment or modification.
4. Upon receipt of such notice, the other Participating Institutions will enforce such decision as soon as practicable, subject to the following criteria:
 - a. The decision was based, in whole or in part, on a finding of a commission of one or more of the sanctionable practices defined in the Uniform Framework;
 - b. The decision is made public by the Sanctioning Institution;
 - c. The initial period of debarment exceeds one year;
 - d. The decision was made after this Agreement has entered into force with respect to the Sanctioning Institution;
 - e. The decision by the Sanctioning Institution was made within ten years of the date of commission of the sanctionable practice; and
 - f. The decision of the Sanctioning Institution was not made in recognition of a decision made in a national or other international forum.
5. The period of debarment and any modifications thereto will be determined solely by the Sanctioning Institution.
6. Each Participating Institution may pursue independent debarment proceedings for separate sanctionable practices by the same entity or individual already debarred by the Sanctioning Institution, which may result in concurrent, consecutive or subsequent periods of debarment for the entity or individual.
7. Notwithstanding the provisions above, a Participating Institution may decide not to enforce a debarment by the Sanctioning Institution where such enforcement would be



inconsistent with its legal or other institutional considerations and, in such case, will promptly notify the other Participating Institutions of such decision.

SIGNATURE AND ENTRY INTO FORCE

8. This Agreement will enter into force for a Participating Institution upon (a) its signature of this Agreement; and (b) notice by such Participating Institution that it has fulfilled all of the requirements for the implementation of this Agreement.

ADDITIONAL SIGNATORIES

9. Following its entry into force, other international financial institutions may join this Agreement upon the consent of all Participating Institutions and signature of a Letter of Adherence by the international financial institution substantially in the form provided in Annex B. Upon adherence, such international financial institution shall become a Participating Institution for purposes of this Agreement.

WITHDRAWAL

10. A Participating Institution may withdraw from this Agreement by delivering a written notice of withdrawal to the Heads of other Participating Institutions.

PUBLICATION


11. Each Participating Institution may publish this Agreement in accordance with its policies for disclosure of information.

MISCELLANEOUS


12. Each Participating Institution will designate a unit responsible for receiving and issuing notices pursuant to this Agreement. The identity of such responsible unit shall be notified to the other Participating Institutions in writing.

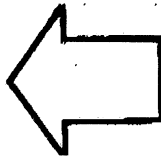


Dated as of: 9 April, 2010

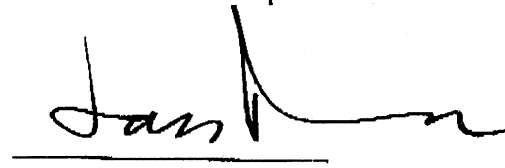

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