



## **Terms of Reference**

### **MIGA WBG Sanctions Board Member**

The World Bank Group comprises five institutions, two that are primarily private-sector focused – the International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA), two that are primarily public-sector focused – the International Bank for Reconstruction and Development (IBRD) and International Development Association (IDA), and the International Center for Settlement of Investment Disputes (ICSID).

The World Bank Group's (WBG) twin goals are to eradicate extreme poverty and promote shared prosperity. Sanctionable Practices – such as corruption, fraud, collusion and coercion – pose a major challenge to these goals. Furthermore, Sanctionable Practices undermine development objectives and damage the reputation of the WBG and its clients.

One way that the WBG combats Sanctionable Practices is through the use of administrative sanctions against firms or individuals who have engaged in Sanctionable Practices in connection with WBG-financed projects. The Sanctions System is designed to protect the funds entrusted to the WBG, while offering the firms and individuals involved an opportunity to respond to the allegations against them.

### **Sanctions Board**

The WBG Sanctions Board is part of the WBG Sanctions System and is an independent administrative tribunal that serves as the final decision-maker in all contested cases of Sanctionable Practices occurring in WBG-financed development projects. The Sanctions Board comprises five members plus two alternates, all of whom are external to the WBG.

The WBG Sanctions Board is the 2nd tier in the WBG Sanctions System two-tier review system, and reviews "appeals" submitted by Respondents from the 1st tier reviewer (the IFC Evaluation Officer, MIGA Evaluation Officer, or Sanctions and Debarment Officer in World Bank cases). The WBG Sanctions Board carries out a full de novo review in each case and may hold oral hearings. It makes determinations on procedural and evidentiary matters, as well as the ultimate issue of liability. The WBG Sanctions Board may also issue one of five types of sanctions, to include debarment from WBG financing. The WBG Sanctions Board publishes fully reasoned decisions for each case redacted versions of which are posted publicly.

In addition to resolving contested sanctions cases, the Sanctions Board also has competence to review determinations of non-compliance with conditions for release by the WBG Integrity Vice-Presidency's (INT) Integrity Compliance Officer, determinations of successorship or assignment, and requests for reconsideration of final decisions (e.g., when new material evidence becomes available).

The Sanctions Board relies on a professional Secretariat managed by the Executive Secretary to the Sanctions Board, with an office in the Bank's Washington, D.C., headquarters. The Secretariat assists the Sanctions Board in reviewing cases, issuing decisions, holding hearings, convening for deliberations, and liaising with relevant stakeholders in the WBG and in the global development community.

Service upon the Sanctions Board is governed by the Sanctions Board Statute and Code of Conduct for Members of the Sanctions Board, as they may be amended from time to time), as well as the Sanctions Procedures for the relevant WBG institution in a given matter. For all matters not addressed by these documents, the Sanctions Board follows the instructions of the Sanctions Board Chair.

Current members of the Sanctions Board include top international arbitrators, high court justices, and other leading jurists and development experts from around the world.

### **Sanctions Board Member Search**

MIGA is seeking a candidate with first-rate ethical and professional qualities: unimpeachable probity, first-class professional experience in dispute resolution (arbitration, litigation or judicial experience) in corporate and commercial matters, and familiarity with private sector cross-border lending and equity investments and/or non-commercial guarantee operations and applicable law, dispute resolution mechanisms, or operations of development institutions.

- Candidates must not currently hold any appointment to the WBG.
- Minimum education requirements include a Master's in law, corporate compliance, international procurement, auditing, forensic accounting, or an equivalent advanced degree in a related field.
- Qualified candidates will possess a minimum of 20 years of related professional experience in law, anti-corruption and institutional integrity, private sector cross-border lending and equity investments and/or non-commercial guarantee operations, auditing, or related field, with 10 years at an international level.
- Additional expertise in dispute resolution, private sector/corporate and commercial matters is also sought.
- Direct experience with operations and systems within other international development institutions is desirable.

The appointment to the WBG Sanctions Board shall be up to a single, non-renewable term of up to six (6) years. The WBG Sanctions Board Members are expected to serve on an as-needed basis during this period, as required by the WBG Sanctions Board's workload. The WBG Sanctions Board is normally convened twice annually in spring and fall of each year with approximately 10 days per year in Washington, D.C.; with total days of service approximately 18-20 days per year in recent years. The appointment shall terminate at the end of the term but the WBG Sanctions Board Members may be requested to hold office until their replacement has been appointed.

As indicated above, during and after the end of their mandates, the WBG Sanctions Board Members must accept and be subject to the Code of Conduct for Members of the Sanctions Board, including future time-bound limitations on services for individuals and entities that were Respondents during the Member's tenure.

**Note:** Candidates will be subject to a conflicts-of-interest check prior to appointment and be required to disclose any circumstance which may give rise to reasonable doubts as to their impartiality or independence.

**TO APPLY:** Interested candidates who meet the selection criteria are invited to submit their applications to [SBapplications@worldbank.org](mailto:SBapplications@worldbank.org) by **April 12, 2021**. *All applications will be treated in the strictest confidence.*

*Poverty has no borders. Neither does excellence. This is why we continually search for qualified individuals with diverse backgrounds from around the globe. We are proud to be an equal opportunity and inclusive employer with a dedicated and committed workforce.*