TERMS OF REFERENCE
FOR THE SANCTIONS COMMISSIONER

1. General Responsibilities

The Sanctions Commissioner ("SC") shall be the head of the Sanctions Office (the "SANO") and shall exercise its functions independently. As a pilot phase for the initial three (3) years, the SC and the alternate SC shall be external experts appointed by the Executive Directors of the Bank on the recommendation of the President. The SANO is a critical component in ensuring an efficient, effective and fair sanctions process. The SC has authority to issue Notices of Sanctions Proceedings to Respondents and to impose sanctions.

2. Operational Responsibilities

(a) The SC shall be assisted by a Secretary to the Sanctions Office at PL4 level and an administrative assistant.

(b) The SC reviews the evidence of a Sanctionable Practice as presented by IACD and determines, upon consideration of all the facts and arguments presented whether there is sufficient evidence to support IACD's finding.

(c) The SC will then notify IACD on whether or not there is sufficient evidence to support a finding that the Respondent is engaged in a Sanctionable Practice.

(d) If the SC determines that the evidence is sufficient to support the finding of a Sanctionable Practice, then he/she shall issue a Notice of Sanctions Proceedings (the "Notice") to the Respondent and notify the Chair of the Sanctions Appeals Board (SAB) and the Director of IACD. The Respondent may contest the allegations in a written Response. The SC will issue a Decision after consideration of the facts and arguments presented.

(e) If the Respondent informs the SAB through the Sanctions Appeals Board Secretary (SABS) that it desires to contest the allegations and/or the sanction prescribed by the SC in the Decision, the matter will be referred to the SAB for its review and final decision.

(f) If the Respondent does not inform the SAB that it desires to contest the allegations or the sanction decided by the SC, the SC's Decision shall become final and the sanction will be imposed.

(g) The SC shall respect and maintain the confidentiality of the sanctions proceedings and shall be recused in cases where the SC may have an actual or perceived conflict of interest.

(h) The SC shall report annually to the Board of Directors on the work of the SANO.

(i) Rules and Procedure and the Code of Conduct for the SANO shall be developed by the Bank in consultation with the SC.

(j) The SC shall be held harmless from any losses, costs, damages or liability to which the SC may be subject as a result of claims by third parties resulting from any function exercised within the scope of the present terms of reference and his/her assignment contract, except those resulting from the gross negligence or willful misconduct by the SC.

3. Selection Criteria

The external candidate for the SC must not have previously held or currently hold any appointment as governors, directors, alternates, officers or employees of the Bank. He/She should:

(a) be a national of either a member country of the Bank or State Participant in the Fund;

(b) have extensive knowledge of Africa and Bank operations, or related or similar experience working with similar institutions, including in the area of the procurement;

(c) have knowledge of and experience in the conduct of investigations, standards of proof and evidence, and legal and policy issues relating to the operations of the Bank or related or similar institutions;

(d) have managerial capacity to plan and direct the use of resources, implement an efficient case management system and exercise independent judgment;

(e) be of proven expertise, competence, independence, and integrity, and

(f) have a minimum of fifteen (15) years relevant experience, competencies and an advanced degree in law.