Terms of Reference

Position: Senior Consultant
Location: Remote
Expected start date: as soon as possible, no later than March 25, 2022

Summary
The World Bank Group’s Compliance Advisor Ombudsman (CAO) is looking for a Senior Consultant to support its Dispute Resolution team to carry out a retrospective analysis of the unit’s casework.

About the Office of the Compliance Advisor Ombudsman (CAO)
The Office of the Compliance Advisor Ombudsman (CAO) is the independent accountability mechanism for the International Financial Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA), members of the World Bank Group. CAO’s mandate is to address complaints regarding environmental and social concerns from people affected by IFC/MIGA projects in a manner that is fair, objective, and equitable, and to enhance the outcomes of those projects. A detailed description of CAO’s mandate, functions, and procedures can be found in CAO’s Policy. CAO consists of three functions: Dispute Resolution, Compliance and Advisory. In its Dispute Resolution role, CAO uses dispute resolution tools to find solution to issues raised in complaints about IFC/MIGA projects. For more information, visit https://www.cao-ombudsman.org/

Background information
In 2019, the Committee on Development Effectiveness (CODE), on behalf of IFC and MIGA Boards of Directors requested an external review of IFC’s/MIGA’s Environmental and Social Accountability including CAO’s Role and Effectiveness. The External Review Report was completed in June 2020. As part of the implementation of the recommendations provided by the External Review Panel, CAO plans to:

- Conduct a systematic, retrospective evaluation of the decisions of CAO complainants and the companies in relation to which the complaints were filed, to refer complaints to either the dispute resolution or the compliance function from FY2014 to FY2021, with the purpose of determining what factors are most predictive of parties’ choice to pursue dispute resolution or compliance.

• Review all cases that began dispute resolution from FY2014 to FY2021 and took longer than two years to resolve or transfer (partially or fully) to compliance, to determine whether CAO could better identify complex cases that are unlikely to be resolved through dispute resolution.
• Analyze complexities in CAO assessments and their impact on the process and duration, to better understand factors that are likely to cause delays to the process.
• Identify what other factors cause delays and contribute to lack of resolution in CAO dispute resolution processes.

Role & Responsibilities

The CAO seeks a senior consultant with demonstrated subject matter expertise in the areas of dispute resolution, project management, data analysis and report writing to support the CAO core team in charge of the project with the overall direction of the research and analysis, and the drafting of the reports.

The project will be carried out in three phases. During Phase 1, the consultant will be expected to support the CAO team to conduct a preliminary analysis of CAO’s available case data from FY2014 to 2021 to determine the universe of cases relevant to the research and compile a list of internally and externally focused indicators to apply in the research in terms of complexity, duration and predictability of outcome of the cases. The consultant will also be expected to identify any information gaps in the data and propose a strategy to address such gaps, which may include conducting interviews with stakeholders that participated in the CAO cases.

During Phase 2, the consultant with the support of the CAO team will apply the identified indicators to the universe of cases and conduct any additional investigative processes previously identified as necessary for the success of the project.

After the completion of Phase 2, in Phase 3, the consultant will be expected to apply the relevant indicators and conduct any additional investigative processes previously identified to determine the causes behind the decisions of the parties to refer complaints to either the CAO dispute resolution or compliance function after the assessment phase.

The consultant will be expected to submit interim reports at the end of each phase. A final report that will include the analysis conducted in all the phases should be submitted by the end of Q2 FY2023 (October 31, 2022).

As part of the assignment, the consultant is expected to complete the following tasks:

• Conduct quantitative and qualitative analysis of CAO case portfolio from FY2014-FY2021 to identify the universe of cases relevant to the research and compile a list of internally and externally focused factors to apply in the research in relation to complexity, duration of the process, and predictability of process outcomes.
• Conduct quantitative and qualitative analysis of CAO case portfolio from FY2014-FY2021 to identify what factors are most predictive of parties’ choice to pursue dispute resolution or compliance after assessment.
• Conduct quantitative and qualitative analysis of CAO case portfolio from FY2014 - FY2021 to identify opportunities as well as potential bottlenecks and challenges in the management of cases in which the process lasted more than 120 working days, for assessment, and more than two years, for dispute resolution, respectively.

• Conduct desk review, interviews, and use other qualitative research methods to assist CAO in responding to the External Review recommendations.

• Draft interim and final reports, and presentations with research findings.

Selection Criteria

• Advanced degree in social sciences, administration, or other relevant areas.
• Demonstrated experience in evaluation, including in developing and applying evaluation processes and methods.
• Strong knowledge of alternative dispute resolution methods, preferably in relation to multi-party disputes involving communities and businesses, and familiarity with related emerging good practices and trends
• Proven experience and understanding of conflict in diverse cultures.
• Previous work with accountability mechanisms in development finance is an asset.
• Ability to maintain objectivity and work with issues of ethics and integrity at the forefront of work.
• Excellent interpersonal and teamwork skills; ability to work effectively in sensitive environments.
• Advanced problem-solving skills and ability to manage conflicting priorities under high pressure.
• Outstanding communication skills, both written and oral, including significant experience in writing for publication and strong presentation skills.
• Fluency in English required, proficiency in other languages is an asset.

If the selected candidate is a firm, the above criteria need to be cumulatively met by the members of the firm that will be assigned to work on the project.

Application Process

Please send an expression of interest with your CV and a 2-page (maximum) research proposal to CAO@worldbankgroup.org by March 11, 2022. The research proposal should provide a summary of the proposed approach, methodology, and timeline for the project. It should also include any anticipated challenges and relevant mitigation strategies. Please include two references on your CV, ideally from people who can attest to your experience in the fields of work indicated in the selection criteria section of these ToRs. After reviewing applications, CAO will contact qualified candidates regarding the next steps.

If you have questions about CAO’s dispute resolution work, please contact us at CAO@worldbankgroup.org with “CAO Dispute Resolution Senior Consultant” in the subject line.