

## **Conflict of Interest Framework for Consultants**

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## **Conflict of Interest Framework for Consultants Hired by NDB's Independent Evaluation Office**

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Independent Evaluation Office  
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### I. Introduction and definition

1. The New Development Bank's (NDB) Independent Evaluation Office (IEO) plays a critical role in promoting accountability and learning for improved Bank impact. To safeguard the veracity, legitimacy and credibility of its findings and recommendations, IEO's evaluations must be free from external or internal influence, as well as from any potential, actual or perceived conflicts of interest.
2. The purpose of this framework is to provide a clear and practical overview of enforceable provisions to enable IEO to avoid conflicts of interest with regards to the hiring of consultants and to help it maintain the integrity of the department and its work. The provisions serve in addition to the NDB Code of Business Conduct and Ethics (COBCE), which all consultants are required to abide by;<sup>1</sup> and they also build on international good practices, such as those adopted by members of the Evaluation Cooperation Group of the Multilateral Development Banks.<sup>2</sup>
3. In this framework, a conflict of interest in consultant recruitment describes a situation in which interests other than those associated with the duty of conducting an objective and independent evaluation may materially, potentially, or be perceived to interfere with the fulfilment of IEO's duties. According to Section 8 of the COBCE, an actual, potential, or perceived consultant conflict of interest is classified as the following:

*An actual conflict of interest refers to a conflict that is established based on facts, a potential conflict refers to a conflict that does not exist at present, but could arise in the future, and a perceived conflict refers to a conflict that appears to exist, but requires further investigation.*
4. Within the Bank's overall Human Resources policy framework and the Evaluation Policy,<sup>3</sup> IEO is responsible for its own staffing and hires consultants (both short-term consultants [STCs], and short-term temporary consultants [STTCs]) following the applicable HR processes, to support the implementation of its work programme which is approved by the Board.
5. Consultants engaged with IEO evaluate activities financed by the Bank and may come from NDB member countries or other countries, in line with the Bank's STC/STTC guidelines.
6. In accordance with Section 8 (a) of the COBCE, a conflict of interest would be relevant, by any act or omission, in cases where the private interests of IEO consultants interfere with

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<sup>1</sup> NDB Code of Business Conduct and Ethics 2024.

<sup>2</sup> Governance and independence of the multilateral development bank evaluation system.

<sup>3</sup> NDB IEO Evaluation Policy 2024.

the performance of their official duties. IEO consultants are obliged to uphold the integrity, independence, and impartiality required by their status, and are obligated to not, *inter alia*: (i) evaluate projects, programmes, or other activities in which they previously held responsibility; (ii) influence an evaluation's analysis or recommendations to render them not independent nor impartial; (iii) artificially create favourable conditions in a downstream assignment within or outside IEO; (iv) work simultaneously for another NDB department or division; or (v) have familial ties to staff involved in any capacity with the subject of evaluation.

## **II. Basic principles and operational rules**

7. The basic principles of this framework are the following:

- (a) Conflicts of interest, in substance and appearance, shall be avoided in all IEO evaluations to sustain their independence, impartiality and integrity.
- (b) The responsibility to avoid situations and activities that may reflect negatively on IEO is held both by IEO staff and consultants.
- (c) If a conflict of interest is recognised, either at the time of recruitment, during the implementation of an evaluation, or afterwards, the consultant and/or the concerned IEO staff member(s) must inform their reporting manager, after which escalation, mitigation, recusal, or termination shall take place in consultation with the IEO Director General, and the NDB Compliance and Investigations Department and Legal Department without undue delay for advice.
- (d) Consultants are responsible for sharing any information about any actual, potential or perceived conflict of interest they may face, and if necessary, shall recuse themselves from the proposed assignment as advised by the IEO Director General, Reporting Manager, and Compliance and Investigations Department and Legal Department.
- (e) Consultants shall, in all cases, sign a declaration prior to commencing their assignment to confirm their understanding of any potential, actual or perceived conflict of interest to this effect, in line with IEO's staff and personnel contracting procedures.
- (f) IEO will be responsible for the implementation of this framework, and as such, submit to HRD the signed declaration as part of the routine documentation required by HRD to process IEO consultancy contracts.
- (g) If there are any uncertainties about where a consultant conflict of interest lies, IEO staff and personnel shall strictly follow provisions listed in Section 8 in the NDB COBC, where the Reporting Manager, IEO Director General, and Compliance and Investigations Department, and if needed, Legal Department and Human Resources Department, shall advise on the appropriate course of action to mitigate and/or eliminate any actual, potential, or perceived conflict of interest.

8. Based on the aforementioned principles, the following operational measures shall be taken:
- (a) In line with clauses 8.2.2 and 8.2.3 of the NDB COBCE, IEO shall not assign the evaluation of projects, processes, strategies or policies to consultants who have had prior involvement in their design, implementation, supervision, mid-term reviews, or completion reporting. This includes if the consultant has been involved with an entity that is a supplier of goods or services to be acquired or financed by NDB, or engages in financial transactions with NDB in any way for at least one year prior to commencing their work with IEO;
  - (b) Consultants who are seeking, negotiating, or have prospective employment other than at NDB shall not exercise any decision-making responsibilities with respect to an NDB transaction where the prospective employer is involved; and
  - (c) Consultants who are within six months of commencing their responsibilities with IEO, shall not perform services for any other entity (other than an international organisation or government) in respect of any matter in which the Bank has an interest, and may only be hired to work for NDB if such work is related to the same project, process, strategy or policy being assessed by IEO.

### **III. Procedure for contract approval**

9. As a precondition of a consultant's contract preparation, all consultants are requested to sign and submit a declaration (see annex I) stating their awareness and understanding of IEO's conflict of interest framework, verifying that they have no conflict of interest regarding the proposed assignment.

### **IV. Exemptions**

10. This conflict of interest framework does not apply to translators, editors or administrative personnel who are not directly responsible for any evaluative work done by IEO. Any other exemptions will be at the discretion and approval of the IEO Director General who shall bring the matter to the Compliance and Investigations Department for advice, in consultation with the Reporting Manager.

## Annex I: Declaration of absence of conflict of interest

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I hereby declare that I have thoroughly reviewed the Conflict of Interest Framework for Consultants Hired by NDB's Independent Evaluation Office, and assert the following:

- (1) I have no prior involvement or participation in:
  - Any activities (e.g. design, supervision, mid-term review, implementation support, completion reporting, etc.) pertaining to the project under evaluation (e.g. project completion report validations, project impact evaluations, project performance evaluations, etc.);
  - Any activities (e.g. design, supervision, mid-term review, implementation support, or completion reporting, etc.) related to the country programme being evaluated (for country portfolio evaluations and thematic/sector evaluations);
  - Any activities linked to the development of policies or strategies subject to evaluation (for corporate level evaluations, evaluation synthesis reports, and reports on NDB's development results).
- (2) To my knowledge I do not possess any conflict of interest, whether potential, actual, or perceived, regarding the proposed assignment.
- (3) While engaged with IEO, I will refrain from accepting concurrent contracts with NDB.
- (4) I will recuse myself from any planned or ongoing evaluation involving a specific NDB unit where there is a significant possibility for future employment whether as staff or consultant (including of my close relatives).

NAME:

Signature:

Date: