NWC | NATIONAL WHISTLEBLOWER CENTER

URGENT CALL FOR ACTION

Putting Teeth into Enforcing Anti-Corruption Laws

Statement of the National Whistleblower Center submitted to the 11th UNCAC Conference of State Parties

Learn more about this resolution at www.whistle-blower.com

An Urgent Call for Action

We are at a turning point in combatting transnational corruption. Highly effective laws enhancing enforcement and whistleblower protections have resulted in the successful prosecution of large and powerful corrupt actors. When properly used, these laws have obtained historic results.

However, most State Parties have not implemented these laws. Likewise, most human rights defenders are not aware of how these laws can be used. The result is troubling. The vast majority of whistleblowers who could be covered under these laws are going unprotected. Most corrupt activities that could be confidentially reported are allowed to flourish. Corruption remains under-prosecuted and undetected. The bad actors win, while whistleblowers face relentless retaliation.

The National Whistleblower Center (NWC) has submitted a proposal to implement the best practices used in successful anti-corruption enforcement actions. *See,* "Enhancing Foreign Bribery and Money Laundering Prosecutions."

This proposal would ensure that whistleblowers learn how they can safely and confidentially report corruption, foreign bribery, and money laundering. It would inform them of their right to obtain compensation for their courage and integrity. It would facilitate the ability of law enforcement agencies to gain access to whistleblower-information needed to detect well-hidden corrupt activities.

There is no middle ground. Either strong whistleblower and anti-corruption laws are utilized worldwide, or corruption will continue to undermine, democracy, enable environment degradation, and exacerbate global inequities. Anti-corruption leaders must embrace the laws that provide the best confidentiality protections. Whistleblowers cannot afford to lose the compensation they need to protect themselves from economic hardship.

The NWC's proposed resolution is consistent with all of the core principles of the UN Convention Against Corruption (UNCAC). It commits States Parties to using empirically verified procedures to protect people who aid in the enforcement of bribery and money laundering laws. The international anti-corruption community must recognize the necessity of a proper legal framework for incentivizing and protecting informants.

In the war against corruption, the international community must make full use of all available weapons. These laws' efficacy has been empirically proven; they are our best swords and shields. It is time to stop fighting corruption unprotected and unarmed.

Empirical Validation

The first transnational anti-corruption laws with strong whistleblower protections were passed in 2010 as part of the Dodd-Frank Act. They targeted bribery of foreign government officials and fraud in the international securities and commodities markets. They were succeeded in 2022 by a similar law targeting money laundering, sanctions violations, and illegal bank secrecy. Together, these laws cover corrupt activities worldwide and protect whistleblowers regardless of nationality, even if the whistleblower resides in a country with no whistleblower protections.

Based on objective empirical data gathered for over the past 15 years it is now undeniable that these laws work and are the best anti-corruption tools available. They have incentivized insiders to report corrupt acts by high-ranking officials and large corporations, resulting in successful cases against multinational corporations headquartered throughout the world, including Brazil, Canada, Chile, Denmark, France, Germany, Israel, Japen, Netherlands, Singapore, Sweden, United Kingdom, and the United States. Over $25 billion in sanctions have been recovered. Over $14 billion in sanctions were provided to international law enforcement agencies to bolster their prosecutorial efforts.

The precise amount of compensation paid to international whistleblowers is not public, however, the first foreign bribery case paid the whistleblower $30 million USD. Overall, whistleblowers under the Dodd-Frank Act (which covers the Foreign Corrupt Practices Act) have obtained $2.2 billion in compensation, triggering hundreds of successful enforcement actions. All payments come from the fines received from corrupt actors. Furthermore, the confidentiality of 30,000 whistleblowers, filing claims from over 135 countries, has been maintained.

There is a growing willingness of State Parties and whistleblower advocates to use these essential tools. For example, *law enforcement agencies from sixty-three countries have cooperated with the United States in successfully prosecuting foreign bribery cases filed under the FCPA. See* Chart **attached below**.

It’s Time to Act

Based on the success of these laws, and the growing international acceptance of the Dodd-Frank methodology (including the prestigious Royal United Services Institute, and numerous academic studies) State Parties and NGOs should strongly embrace NWC’s proposal, “Enhancing Foreign Bribery and Money Laundering Prosecutions.”

Drafted by leading whistleblower/anti-corruption attorneys with direct expertise in major *successful* anti-corruption cases, it has two major components: (1) urges State Parties to implement laws and policies based on the principles outlined above; (2) urges NGOs and Human Rights Defenders to educate whistleblowers on filing confidential complaints and how to qualify for awards and compensation.

Read the Proposal	Endorse Here

Foreign Cooperation in U.S. FCPA Prosecutions Using the Anti-Corruption Laws Endorsed by the Resolution

Year	Name of Company	Headquarters	Sanction	Foreign Law Enforcement Cooperation
2014	Alstom	France	$772 Million	German, Italian, Saudi Arabian, Cypriot, Singaporean and Taiwanese Enforcement Agency
2014	Hewlett-Packard	United States (USA)	$100 Million	Mexico, Russia, German, and Polish Law Enforcement
2014	Alcoa	USA	$223 Million	Australian, Switzerland, UK Law Enforcement
2016	Teva Pharmaceutical	Israel	$450 Million	Mexican Attorney General Office
2016	Braskem	Brazil	$325 Million	Swiss and Brazilian law enforcement
2016	Rolls-Royce Holdings	UK	$195 Million	German, UK, Singaporean,

				Turkish, Dutch, Austrian Law Enforcement
2016	Odebrecht	Brazil	$260 Million	Swiss and Brazilian Law Enforcement
2016	Embraer	Brazil	$107 Million	Brazilian, Dominican Republic, and South African Law Enforcement
2016	Och-Ziff Capital	USA	$213 Million	Swiss, British Virgin Islands and Maltese Law Enforcement
2016	Anheuser-Busch	Belgium	$6 Million	Indian Securities and Exchange Board
2016	LAN Airlines	Chile	$9 Million	Cayman Islands Monetary Authority
2016	Analogic Corporation, Lars Frost	USA	$11 Million	British Virgin Islands, Latvian, Danish and Austrian Law Enforcement
2016	VimpelCom Ltd	Netherlands	$795 Million	Swedish, Belgium, France, Ireland, Luxembourg and UK Law Enforcement
2016	SBM Offshore	Netherlands	$238 Million	Dutch, Switzerland, and Brazilian Law Enforcement
2017	SAP SE	Germany	$200 Million	South African Law Enforcement
2017	Keppel Offshore & Marine Ltd.	Singapore	$422 Million	Brazilian and Singaporean Law Enforcement
2017	SBM Offshore	Netherlands	$478 Million	Dutch, Brazilian, Netherlands and Switzerland Law Enforcement
2018	Telia Company	Sweden	$965 Million	Austria, Belgium, Cyprus, France, Ireland, Latvia, Luxembourg, Norway, Switzerland and UK Law Enforcement
2018	Petroleos de Venezuela	Venezuela	$212 Million	Cayman Island Law Enforcement
2018	Telefonaktiebolaget LM Ericsson	Sweden	$1 Billion	Sweden Law Enforcement
2018	Societe Generale	France	$684 Million	UK, Swiss, and French Law Enforcement

2018	Sanofi	France	$25 Million	French Law Enforcement
2019	Petróleo Brasileiro	Brazil	$850 Million	Brazilian Law Enforcement
2019	Mobile TeleSystems PJSC	Russia	$850 million	Austria, Belgium, Cyprus, France, Ireland, Isle of Man, Latvia, Luxembourg, Norway, Netherlands, Switzerland, Sweden and UK Law Enforcement
2019	Walmart	USA	$137 Million	Mexican and Indian Law Enforcement
2019	Microsoft	USA	$16 Million	Thailand Law Enforcement
2019	TechnipFMC	USA	$296 Million	Australia, Brazil, France, Guernsey, Italy, Monaco and the UK Law Enforcement
2020	Westport Fuels Systems	Canada	$4.1 Million	British Columbia Securities Commission
2020	Goldman Sachs	USA	$2.9 Billion	UK, French, Swiss, Singaporean, Malaysian, Singaporean, Luxembourgian, and Guernsey Law Enforcement
2020	Airbus	France	$3.9 Billion	France's Parquet National Financier and the UK's Serious Fraud Office
2021	J&F Investimentos	Brazil	$256 Million	Brazilian Law Enforcement
2022	Amec Foster Wheeler Energy Limited	UK	$18 Million	UK and Brazilian Law Enforcement
2022	Honeywell UOP	USA	$160 Million	Brazilian Law Enforcement
2023	Rio Tinto	United Kingdom	$15 Million	United Kingdom and Australian Law Enforcement
2023	La Corporación Financiera Colombiana	Colombia	$80 Million	Colombian Law Enforcement
2023	Albemarle Corporation	USA	$218 Million	Indonesia and India Law Enforcement
2023	Tysers Insurance	United Kingdom	$47 Million	United Kingdom, Panama, Ecuador, and Switzerland Law Enforcement

2024	Freepoint Commodities LLC	USA	$98 Million	Brazilian, Latvian, Swiss, and Uruguayan Law Enforcement Agency
2024	SAP SE	Germany	$98 Million	South African Law Enforcement
2024	Telefónica Venezolana	Venezuela	$85 Million	Panama, Switzerland, and Luxembourg Law Enforcement
2024	Gunvor	Switzerland	$661 Million	Cayman Islands, Colombia, Ecuador, Panama, Portugal, Singapore, and Switzerland Law Enforcement
2023	McKinsey and Company Africa	South Africa	$122 Million	South African Law Enforcement
2023	Albemarle Corporation	USA	$218 Million	Indonesia and India Law Enforcement
2023	Tysers Insurance	United Kingdom	$47 Million	United Kingdom, Panama, Ecuador, and Switzerland Law Enforcement
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Source: DOJ and SEC Press Releases, and Stanford Law School Foreign Corrupt Practices Clearinghouse, **https://fcpa.stanford.edu/enforcement-actions.html**

Read the Proposal	**Endorse Here**