



From Pandemic to Recovery:

Plenary Panel: Whistleblower Protection Practices in Asia and the Pacific



Rohan Schaap

Director, Investigations Division
Office of Anticorruption and
Investigation

Whistleblowing is critical to MDBs

Banker was paid £2.2m in bribes to approve huge loans for gas and oil projects

A "MORALLY contemptible" banker who was paid £2.2 million in bribes to approve huge loans for gas and oil projects in former Soviet states has been jailed for six years.

By MICHAEL KIMMAGE
00:00, Tue, Jun 20, 2017 | UPDATED: 17:09, Tue, Jun 20, 2017



Andrey Ryjenko received corrupt payments while working for EBRD

Andrey Ryjenko, 44, received corrupt payments while working for the European Bank for Reconstruction and Development (EBRD) between July 2008 and November 2009.

Court time for ex-EBRD high official

By [Eliza Villarino](#) // 16 January 2016



Elena Kotova, Russia's former top representative to the European Bank for Reconstruction and Development. Photo by: [Цербаев Олег](#) / [CC BY-SA](#)

The Russian government has formally charged Elena Kotova — the country's former top representative to the [European Bank for Reconstruction and Development](#) — for bribery.



Disgraced Russian banker hands over Mayfair [property](#)

29 Apr 2016 02:54 PM

A former high profile Russian banker has been ordered by the court to hand over her prestigious London apartment to the National Crime Agency.

The apartment in Upper Grosvenor Street [valued](#) at over £1.5 million.

Elena Kotova was a former Executive Director of a European Bank. In its civil recovery application, the NCA submitted that [Ms Kotova](#) had used her position to make substantial personal profit through bribery and corruption. The NCA alleged that between 2005 and 2011, [Ms Kotova](#) was engaged in soliciting corrupt payments from her clients in return for assistance in securing funding for their projects and laundering the proceeds of these bribes through an offshore company. The NCA submitted it was these funds that were subsequently used to fund the purchase of the Mayfair flat.

On 23 March 2016 [Ms Kotova](#) agreed to settle the NCA's civil recovery claim by handing over:

- Apartment in Mayfair
- Monies in two bank accounts, [totalling](#) approximately [£330,000](#)

[Stephanie Jeavons](#), Deputy Director of the NCA's Economic Crime Command said:

“The NCA's successful investigation against [Ms Kotova](#) demonstrates that the UK is not a safe place for anyone to hide the proceeds of their [high end](#) financial crime. The NCA will use all its powers to remove the proceeds of any criminality – whether you reside in the UK or overseas.”

Reporting Integrity Violations

In 2022, OAI received 194 credible complaints of integrity violations:

- 110 complaints from external parties;
- 32 anonymous complaints;
- 52 from ADB Staff.

News and Events ADB Institute Contact English

ADB ASIAN DEVELOPMENT BANK

WHO WE ARE WHAT WE DO WHERE WE WORK WORK WITH US Search

Anticorruption and Integrity

Underpinned by ADB's zero tolerance for corruption, the Office of Anticorruption and Integrity aligns with ADB's commitment to strengthen governance across Asia and the Pacific as it mitigates integrity risks, investigates integrity violations, and promotes integrity among ADB's stakeholders.

Home Report Integrity Violations Our Work Advisories and Sanctions Activities

> Anticorruption and Integrity: Report Inte...

Report Integrity Violations

Submit an Online Complaint

What can I report to OAI? >

What concerns are outside OAI's mandate? >

How do I report a complaint? >

What are my rights and responsibilities as a complainant? >

What happens to my complaint? >

Whistleblower and Witness Protection >

Code of Conduct >

Related

Anticorruption Policy

Integrity Principles and Guidelines (2015)

Anticorruption Policy: Enhancing the Role of the Asian Development Bank in Relation to Tax Integrity (Policy Paper)

Online Course: Anticorruption and Integrity at ADB

ADB-OECD Anti-corruption Initiative for Asia Pacific

Frequently Asked Questions on Anticorruption and Integrity: A Guide for ADB Staff

Warning
Beware of scams using ADB's name

ADB Sanctions List

Whistleblower and Witness Protection at ADB

ADB 'administrative order 2.10 - Whistleblower and Witness Protection' sets out protections afforded to whistleblowers and witnesses. Available from OAI's website: <https://www.adb.org/who-we-are/integrity/report-integrity-violations>.

The Policy:

- Commits ADB to pursuing all reasonable steps to protect Whistleblowers and Witnesses acting in good faith and to ensure that they are not subject to Retaliation.
- Recognizes the right of any person who reports a suspected violation to remain anonymous or request that his/her name be kept confidential.
- Allows ADB Staff in limited circumstances protection from retaliation and disciplinary measures when 'externally reporting'.
- Requires ADB staff to avoid any form of retaliation to a 'Whistleblower', including to non-staff whistleblowers.
- Provides a mechanism for redress to 'Whistleblowers' who are ADB staff and who have experienced 'Retaliation'.
- Provides limited protections to 'External Whistleblowers and Witnesses', including:

"Where an external Whistleblower or Witness may suffer or has suffered Retaliation from a person other than Staff or from an entity or individual that is subject to the Integrity Principles and Guidelines, ADB may, where necessary, coordinate with the member country government concerned, to endeavor to secure transfer or adequate security protection, or employ other reasonable measures to reduce the risks of retaliation".

Potential Limitations of ADB Whistleblower Protection

- ADB's policy on 'Whistleblower and Witness Protection' applies only to staff and other individuals whose contract requires them to comply with the ADB Code of Conduct. A typical complaint of corruption in an ADB project is made by a national government official or an 'insider' from a contractor – ADB's ability to protect them from retaliation is limited.
- Retaliation is often subtle and insidious. Non-renewal of contracts, poor evaluation, lack of future offers or assignment and public humiliation and ostracization are all potential forms of retaliation and are very difficult to prove.
- National authorities investigating corruption often have disclosure and discovery obligations to defendants, including providing materials and reports obtained from whistleblowers. ADB would typically not provide any information that could identify a whistleblower who wishes to remain anonymous, but this could then prejudice the prosecution of national cases.

Stopping corruption in ADB development projects

ADB's recent experience is that corruption within development projects is predominantly 'demand driven'.

The 'OECD Recommendation of the Council on Public Integrity' proposes three pillar approach of 'culture', 'system' and 'accountability' for its members and non-members when building a coherent and comprehensive public-integrity system.

Of the 13 recommendations, our experience is that recommendation 9, supporting an open organizational culture, is the most critical to combatting corruption that is demand driven.



9 Support an **open** organisational culture within the public sector responsive to integrity concerns, in particular through:

- a) encouraging an open culture where ethical dilemmas, public integrity concerns, and errors can be discussed freely, and, where appropriate, with employee representatives, and where leadership is responsive and committed to providing timely advice and resolving relevant issues;
- b) providing clear rules and procedures for reporting suspected violations of integrity standards, and ensure, in accordance with fundamental principles of domestic law, protection in law and practice against all types of unjustified treatments as a result of reporting in good faith and on reasonable grounds;
- c) providing alternative channels for reporting suspected violations of integrity standards, including when appropriate the possibility of confidentially reporting to a body with the mandate and capacity to conduct an independent investigation.

From Pandemic to Recovery:
**Building Resilient Economies through
Transparency, Integrity, and Trust**

Thank you!

