

*CALL FOR THE CREATION OF AN  
INTERNATIONAL TREATY FOR  
WHISTLEBLOWERS*

**Aristeidis Danikas**

**Blueprint Greece**

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### **I. Introduction**

Whistleblowing is a vital tool in combating corruption and promoting transparency within both public and private sectors. It allows individuals to expose misconduct, fraud, or illegal activities that would otherwise go unnoticed. The significance of whistleblowing cannot be understated, as it serves as a mechanism for accountability and safeguarding the public's interest. However, despite its crucial role in fighting corruption globally, there are still numerous challenges faced by national regulatory authorities in effectively addressing whistleblowing cases (IBA). To overcome these obstacles and ensure comprehensive protection for whistleblowers, there is a pressing need for the creation of an international treaty specifically dedicated to whistleblower protection.

## **II. The Challenges Faced by Local Regulatory Authorities**

Regulatory authorities often face limitations and infrastructure challenges when handling whistleblowing cases. These challenges can include insufficient resources, limited legal frameworks, inadequate training programs, and cultural barriers that discourage reporting. For instance, Mbiyavanga (2023) highlights how corrupt officials may exert influence over local authorities to hinder investigations into high-profile cases or suppress evidence brought forward by whistleblowers.

Such limitations can impede effective investigation and prosecution of corruption cases because they undermine the ability to collect evidence and protect witnesses adequately (Al-Hamimat 2022). Furthermore, without adequate safeguards in place for whistleblowers' anonymity and security during legal proceedings, potential reprisals from implicated parties can deter individuals from speaking up against corruption.

## **III. The Role of an International Regulator for Whistleblower Protection**

To address these challenges effectively on a global scale, the establishment of an international regulator dedicated solely to whistleblower protection becomes necessary. This central organization could collaborate with local regulatory authorities to coordinate cross-border cases seamlessly while providing support mechanisms for both reporting individuals and investigative bodies (Chowdhury 2022).

In the past, there were many calls for international cooperation to combat corruption, ( IMF 1998 International cooperation against corruption), economic, energy and food crisis. (WEF

2023) An international regulator would serve as a knowledge hub where best practices in whistleblower protection can be shared among countries. It could also facilitate capacity building programs to enhance the capabilities of local regulatory authorities in handling whistleblowing cases. By promoting cooperation and collaboration among nations, an international regulator would create a unified front against corruption.

#### **IV. Benefits of Establishing an International Treaty for Whistleblowers**

The creation of an international treaty specifically focused on whistleblower protection offers several benefits in the fight against corruption. Firstly, it promotes consistency and standardization across different legal systems, ensuring that whistleblowers are protected regardless of their geographical location (Kholisoh & Suswoto 2022). Such a treaty would further provide a framework for issuing emergency visas to legitimate candidates who face serious concerns about retaliation.

This harmonization enables greater confidence for individuals considering blowing the whistle while minimizing jurisdictional challenges faced by regulatory authorities when dealing with cross-border cases.

Additionally, proactive monitoring, reporting, and public exposure facilitated by an international treaty can contribute to safeguarding the public interest (Mbiyavanga 2023). By encouraging reporting and providing robust protections for whistleblowers, corrupt practices can be exposed promptly, leading to early detection and prevention of more significant harm.

Furthermore, combating corruption through effective whistleblower protection has profound economic implications. A reduction in corrupt practices allows resources allocated for illicit activities to be redirected towards beneficial endeavors such as infrastructure development or social welfare programs. Consequently, this contributes to enhancing overall public trust in governance institutions and fosters sustainable economic growth.

## **V. Benefits of Establishing an Emergency Visa for Whistleblower in Distress**

One of the main obstacles encountered by whistleblowers is their residence in hostile countries where their actions are met with severe reprisals. Illustrative examples are presented by the recent South African cases of Babita Deokaran and Patricia Mashale. Potential modes of reprisal include assassination, threats to physical safety and well-being, loss of employment or livelihood, and civil litigation and criminal prosecution. These obstacles make it exceptionally difficult for whistleblowers to come forward and disclose valuable information that can expose wrongdoing.

The establishment of this treaty would create a standardized system through which whistleblowers can seek refuge in countries committed to protecting them from harm. By unifying efforts on an international scale, this treaty would send a clear message that whistleblower protection is not only crucial but also universally recognized as an essential component of justice systems around the world.

## **VI. The Role of Embassies in Processing Applications**

Under the proposed international organization treaty, embassies of participating countries would play a pivotal role in processing applications directly from whistleblowers, or relative organizations who represent them and seeking emergency relocation. These embassies would serve as points of contact for individuals facing immediate dangers due to their significant disclosure activities.

Embassies would be responsible for assessing and evaluating the legitimacy of each application received based on established criteria outlined within the treaty. This process would ensure that emergency visas are granted to individuals who can demonstrate a genuine risk to their safety and well-being, as well as serve the interest of the cross-border countries they seek asylum from.

By providing emergency visas through participating country embassies, this proposal seeks to create a unified approach towards safeguarding those who expose wrongdoing and corruption. The implementation of this proposal would not only enhance the security and well-being of whistleblowers but also contribute significantly towards promoting accountability and ethical practices in both public and private sectors.

## **VII. Conclusion**

In conclusion, whistleblowing plays a crucial role in fighting corruption globally; however, local regulatory authorities face numerous challenges that hinder effective investigation and prosecution of misconduct cases. To address these obstacles comprehensively and protect whistleblowers adequately on an international scale, there is a need for the creation of an international treaty dedicated solely to whistleblower protection.

By establishing an international regulator for whistleblower protection as part of this treaty framework, coordination between local authorities becomes more efficient while support mechanisms are put into place to ensure the safety and security of those who report wrongdoing.

The potential impact such a treaty could have on combating corruption is significant. It would promote consistency, standardization, and cooperation among nations while reducing corrupt practices and safeguarding public interest. Ultimately, the creation of an international treaty for whistleblowers would be a powerful tool in the fight against corruption worldwide.



## References

International Bar Association Legal Policy and Research Unit, “Are whistleblowing laws working? A global study of whistleblower protection litigation”.

<https://www.ibanet.org/MediaHandler?id=49c9b08d-4328-4797-a2f7-1e0a71d0da55>

Mbiyavanga, S. (2023). Combating corruption through international investment treaty law.

Journal of Anti-Corruption Law, 3(1). <https://doi.org/10.14426/jacl.v3i1.1257>

Al-Hamimat, M. (2022). Criminal protection for witnesses and whistleblowers of corruption crimes in light of the Jordanian Integrity and Anti-Corruption Law No. (13) of 2016 and its amendments. Al-Zaytoonah University of Jordan Journal for Legal Studies, 3(3), 253–270.

<https://doi.org/10.15849/zujjls.221130.13>

Chowdhury, A. (2022). The viability and potential of corruption-based counterclaims in treaty-based ISDS cases under ICSID tribunals. Erasmus Law Review, 15(1).

<https://doi.org/10.5553/elr.000227>

IMF (1998). International cooperation against corruption.

<https://www.imf.org/external/pubs/ft/fandd/1998/03/pdf/klitgaar.pdf>

WEF (2023). Cooperation in a Fragmented World

<https://www.weforum.org/press/2023/01/cooperation-in-a-fragmented-world-addressing-pressing-crises-tackling-future-challenges/>

Kholisoh, B. B., & Suswoto. (2022). Extradition by the Indonesian National Police of perpetrators of corruption from Indonesia, based on the legal provisions of the International

Criminal Police Organization (ICPO-INTERPOL). *Kajian Hukum*, 7(1), 1–15.

<https://doi.org/10.37159/kh.v7i1.3>

Babita Deokoran (2021). South Africa

<https://www.blueprintforfreespeech.net/en/prize/recipients/2021/babita-deokoran>

Patricia Mashale (2022). South Africa.

<https://www.blueprintforfreespeech.net/en/prize/recipients/2022/patricia-mashale>