

SUMMARY OF OAS PRESENTATION FOR TOM DEVINE, GAP
LIMA, PERU, JUNE 4, 2010

WHISTLEBLOWER RIGHTS AND THE TRANSPARENCY TIDAL WAVE

Transparency is the most dynamic phenomenon in international human rights law, and freedom of expression is in the midst of an irreversible, global paradigm shift through enactment of rights for “whistleblowers.” Dubbed bell ringers,” lighthouse keepers,” and less complimentary identities, whistleblowers are individuals who use free speech rights to challenge abuses of power that betray the public trust.

Their rights have increased dramatically during this millennium, starting with approval of a model whistleblower law in 2000 to implement the OAS Inter-American Convention Against Corruption. Since then, Inter-Governmental Organizations such as the United Nations, World Bank and African Development Bank have adopted whistleblower policies that for the first time recognize public freedom of expression. This breakthrough reflects a pattern at the national level from Africa (Ghana, South Africa, and Uganda) to Asia (Korea and Japan). In the U.S., nine new laws protecting over 60 million corporate workers have been passed since 2002; some 20% of U.S. state governments strengthened their laws over the last year, and the federal government is at the end of a ten year process to revolutionize the free speech rights of federal government employees and contractors.

This is not surprising. Whistleblower lawsuits have increased US recoveries of fraud in government contracts from \$5-25 million annually in 1986, to over a billion dollars annually today. A Price Waterhouse global survey found that whistleblowers exposed more fraud than auditors, internal compliance departments and government law enforcement agencies combined. The speech will offer examples to illustrate whistleblowers’ indispensable value in anti-corruption campaigns.