

IHRP FINAL REPORT

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Thanks to the support of the International Human Rights Program, I spent the summer working at the World Bank Group's headquarters, in Washington, DC. It was an incredibly rewarding and interesting experience.

INT and the World Bank's sanctions regime

I served as a legal intern within the Integrity Vice Presidency, an independent office within the Bank responsible for prosecuting allegations of fraud and corruption within the Bank's internal sanctions system. Known as INT, the Integrity Vice Presidency is a relatively small unit of about 100 lawyers, investigators, and other members of staff. Given the scope of the Bank's operations—the World Bank provided approximately USD 64.2 billion in development assistance in 2016—the group's task is immense, with investigations running across the globe.

The World Bank, as an international organization, has no jurisdiction; it lacks subpoena powers, and has no legal means of imposing a penalty. But given its prominence in international development, it has clout—and that, along with discretion, is enough. The elaborate framework of sanctions at the World Bank is a creature of *contract*. Every party that participates in a World Bank-funded project agrees to abstain from certain 'sanctionable practices,' including fraud and corruption; they also agree to grant to Bank audit rights, allowing INT's investigators access to their books and staff. The penalties imposed by the Bank for breaching these covenants seem lenient: The World Bank will publicly declare that the party in breach is 'debarred' from future World Bank projects. However, given that (1) the World Bank funds so many projects across the developing world and (2) the Bank's investigations are credible, the process is adversarial, [the list is public](#), and the corresponding risk of criminal sanction from national authorities is significant, the effect of the 'business decision' of debarment is severe.

As mentioned above, the World Bank takes the integrity of the sanctions process extremely seriously, given the consequences can be so severe. Although it is based in contract, the Bank has developed an elaborate quasi-judicial administrative framework to make these dressed-up business decisions. There are three main components of the institutional sanctions framework: INT is analogous to the prosecutor and investigator, investigating complaints and, where appropriate, advocating for the Bank

in litigation. The initial administrative decision-maker is the Office of Suspension and Debarment ('OSD's), which reviews INT's findings, hears arguments from the defence, and makes assessments of the strength of INT's case. The appellate body, the Sanctions Board, reviews the OSD's determinations. Altogether, the World Bank has developed a sophisticated internal body of [case law](#), unique to its system – it stands as one of the best examples of 'Global Administrative Law.'

My role at INT

I left Toronto for DC just days after finishing my first-year exams. One highlight of the summer occurred almost immediately: getting to use the diplomat's line at the US border. Employees of the World Bank working in the United States hold a special immigration status, and are issued a unique visa. While not technically diplomats, employees of international institutions carrying out their official functions enjoy some perks: They are immune from US law. They don't pay income tax. And they get to use the fast lane at airports. As I stepped foot in the US, this seemed like merely an amusing curiosity—but it turns out that this immunity is essential to the mission of INT.

I started work the next day. The World Bank's DC headquarters is a massive city-block-sized building near the White House. For both symbolic and practical reasons (INT frequently investigates Bank staff), INT is housed in a separate building across the street, shared with US State Department and FBI offices.

I was assigned to the investigations team for South Asia, a group of a dozen or so employees, responsible for investigating one of the poorest, populous, and poorly governed regions at the Bank. While much of my work remains confidential, I assisted with a very large investigation involving allegations of fraud, corruption, obstruction, and collusion. Over the course of ten weeks, I drafted and investigated a party, whom I accused of facilitating corrupt practice in a draft Show Cause Letter. I also helped a senior investigator conduct research, manage a huge evidentiary record, and assemble a four-volume Statement of Accusation and Evidence. While the Office of Sanctions and Debarment was reviewing this case when I departed INT, I am hopeful that my work will help ensure that an important development project is completed as promised, and that corrupt parties are excluded from future development projects in the region.

Perhaps the most interesting moment came late in my time at the Bank: Negotiating and arranging the release of INT's evidence to the national authorities of another country. When INT discovers serious

allegations of corruption, it refers cases to member countries' law enforcement and anti-corruption agencies—such as the RCMP, in Canada—to allow those authorities to consider opening a criminal investigation. This poses numerous extremely interesting questions and practical challenges, involving international law, the Bank's immunities, and domestic criminal procedure. Canadian lawyers and judiciary have been at the forefront of these questions, and the Supreme Court of Canada, in *World Bank Group v Wallace* [2016 SCC 15](#), has endorsed INT's position unanimously. (INT was so pleased by this decision that, at one point over the summer, I was asked to lead INT in an acapella re-worded rendition of 'O Canada,' celebrating the wisdom of the SCC.)

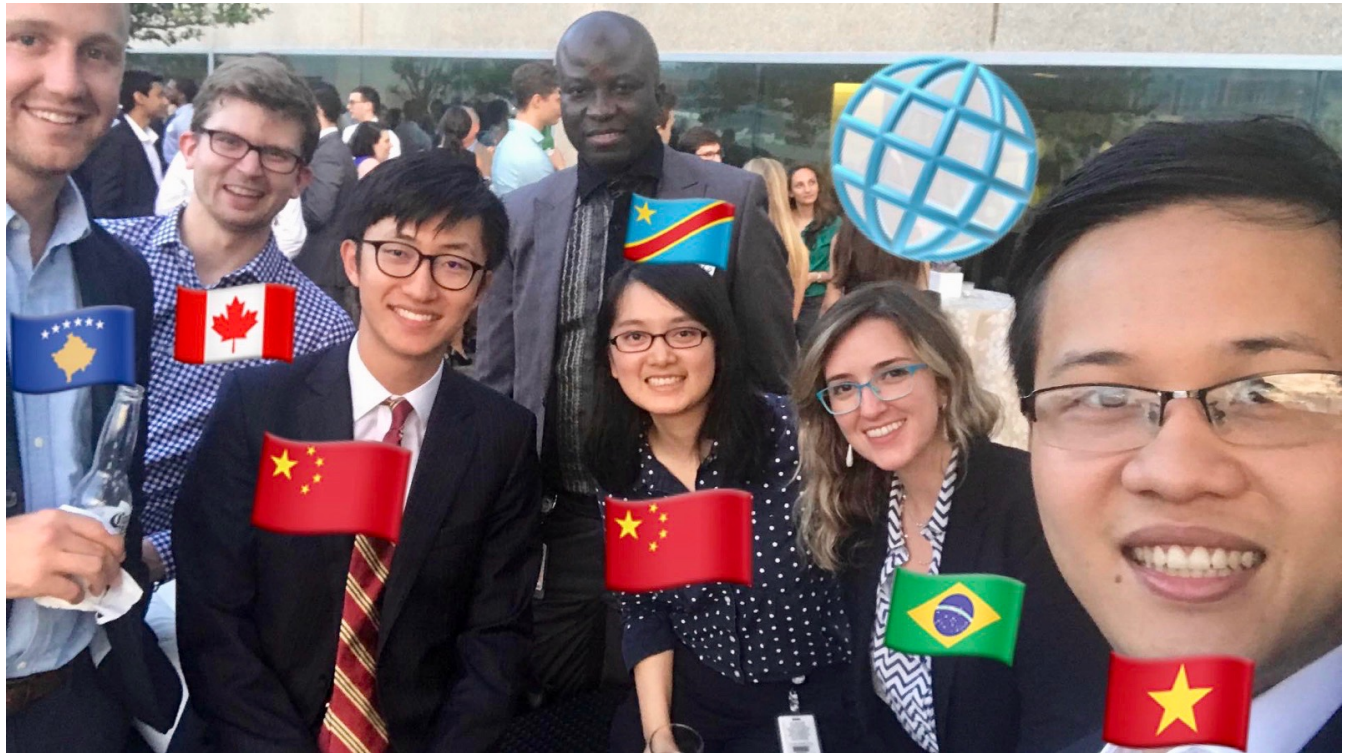


Me, shortly after singing O Canada.

The team

I found my time at the World Bank among the most rewarding things I have ever done, and a large part of that is attributable to the amazing colleagues. Perhaps unsurprisingly, the World Bank is the most cosmopolitan institution I've encountered. At INT, I worked with colleagues from Vietnam, the Democratic Republic of the Congo, Brazil, China, Kazakhstan, the UK, Russia, Australia, Germany, India and the Netherlands—among many others. Particular credit goes to the amazing group of summer intern, most of whom were international students studying at American law schools. I also made fast friends with several stagiaires from Germany—completing their equivalent of articling.

Together, we attended events and training seminars across the Bank, explored DC—and, for the benefit of the US-based interns, attended over-the-top recruiting events at US law firms.



A helpfully annotated image of INT summer interns.

Going forward

I am extremely grateful to the IHRP for supporting my summer at INT. My time at the Bank gave me hands-on experience on an extremely unique and rewarding area of international legal practice. It has also raised a number of interesting academic questions I plan on working through this year. It was an amazing experience, and I am confident that the work of INT will help support the continued improvement of the World Bank's international development assistance, and good governance in the developing world. I hope to someday return.