



SANCTIONS BOARD

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Sanctions Board Insights

SEPTEMBER • 2021

SBS MEMBERSHIP CHANGES

Retired members:



Funke Adekoya



Alejandro Escobar

New members:



Eduardo Zuleta



Doyin Vivour

In December of 2020, the Sanctions Board announced the appointment of two new members: [Ms. Adedoyin Rhodes-Vivour](#) and [Mr. Eduardo Zuleta](#). Both new members are seasoned specialists in alternative dispute resolution. Ms. Vivour, from Nigeria, brings nearly 40 years of experience in commercial law, litigation, and international arbitration – including on the Court of the International Chamber of Commerce and the Paris International Court of Arbitration. Mr. Zuleta, from Colombia, specializes in commercial and investment arbitration and—in conjunction with his Sanctions Board work—serves as the Vice President of the ICC Court of Arbitration. Since their appointments, Ms. Vivour and Mr. Zuleta have actively contributed to the work of the Sanctions Board and each has served on Panels to resolve contested sanctions cases.

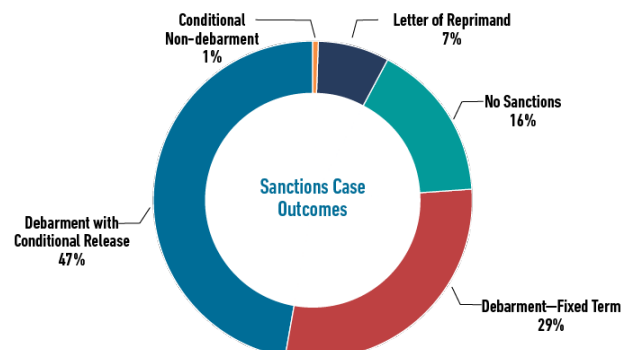
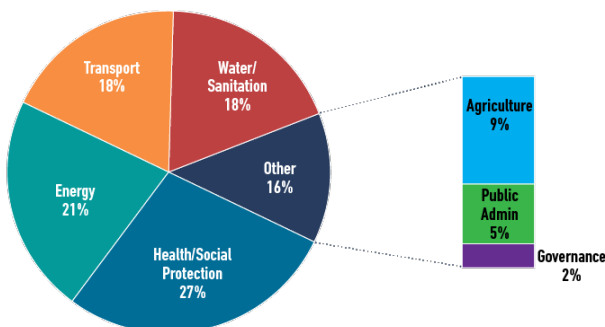
The Sanctions Board also recently bid farewell to retiring members Ms. Funke Adekoya (Nigeria) and Mr. Alejandro Escobar (Chile, U.S.). These members brought a wealth of knowledge and expertise to the Sanctions Board in the past years and have each made deep contributions to the jurisprudence of the Sanctions Board and the World Bank Group’s anti-corruption agenda.

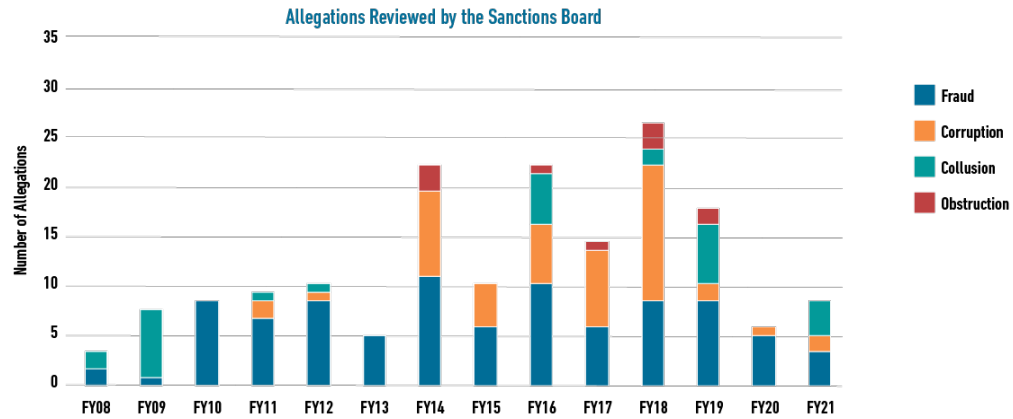
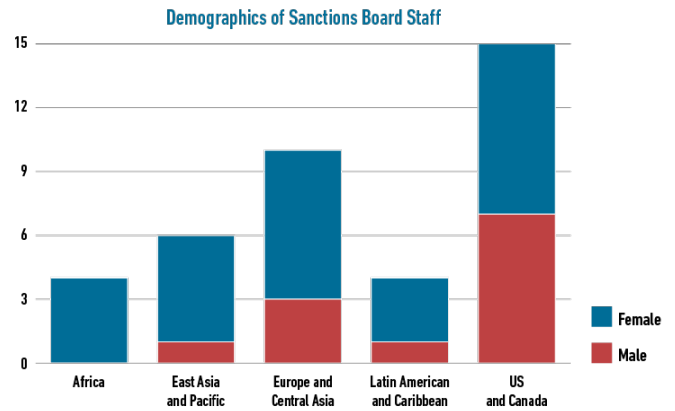
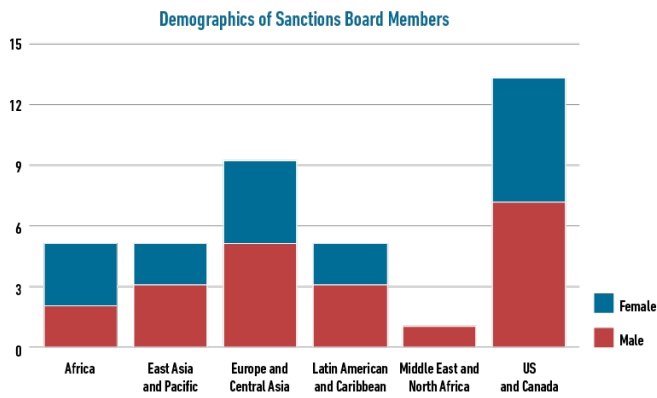
BY THE NUMBERS



FROM 2008 TO THE PRESENT

Projects at Issue in Sanctions Board Cases





RECENT DECISIONS

In the first half of calendar year 2021, the Sanctions Board issued the following three decisions:

SANCTIONS BOARD DECISION

NO. 131

Country: [Republic of the Union of Myanmar](#)

Project: National Electrification Project

Panel Members: Mark Kantor (Panel Chair), Adedoyin Rhodes-Vivour, and Rabab Yasseen



In this decision, the Sanctions Board imposed a sanction of debarment with conditional release for a minimum period of one year and four months on the respondent firm for a fraudulent practice. The respondent had submitted (as part of a joint venture) several bids under a selection process that required disclosure of information on commission payments to agents. This requirement often appears in bidding documents and aims to ensure transparency in the use of third parties that would benefit from a successful bid. The Integrity Vice Presidency (“INT”) alleged, and the Sanctions Board agreed, that the respondent firm had engaged and agreed to pay an individual in connection with the bids, but failed to disclose this information as it was required to do. Inculpatory evidence in the record included an agreement between the respondent and the agent. The Sanctions Board rejected the respondent’s proposed distinction between an agent and an “independent intermediary” as a defense and observed that – even if distinguishable – either type of relationship would have needed to be disclosed under the plain language of the bidding documents. Because the respondent acted in a cooperative manner during INT’s investigation and because the firm voluntarily refrained from bidding after evidence of misconduct was uncovered, the Sanctions Board reduced the minimum period of debarment required under this sanction. Nevertheless, before becoming eligible to bid and work on Bank-financed contracts again, the respondent is required to establish and implement a corporate integrity compliance program. The sufficiency of the program and the respondent’s eligibility for release from debarment will be independently assessed by the WBG Integrity Compliance Officer.

SANCTIONS BOARD DECISION

NO. 132

Country: [Democratic Republic of Congo](#)

Project: South Africa Power Market Project Phase I

Panel Members: Cavinder Bull (Panel Chair), Maria Vicien Milburn, and Rabab Yasseen

In this decision, the Sanctions Board denied a request that an [earlier final decision](#) be reconsidered. The request had been presented by the respondent in that earlier decision and had sought a reduction of the sanction imposed. In his request, the respondent presented and described what he believed was new information and new evidence. However, after reviewing the submissions filed by the respondent and INT, the Sanctions Board declined to grant the request. The Sanctions Board observed that, to warrant reconsideration, materials must be both newly available and potentially decisive. Unjustified failures to timely present exculpatory or mitigating evidence, or the belated discovery of immaterial evidence are insufficient. Additionally, the Sanctions Board clarified that a request for reconsideration cannot rehash or relitigate contentions already considered in the original proceedings. This decision was limited to the finding of whether or not the request for reconsideration could be accepted; it was not. Had a request for reconsideration been granted, the Sanctions Board would have convened to review the new evidence and reassess the original determinations reached in Sanctions Board Decision No. 125.



SANCTIONS BOARD DECISION

NO. 133

Country: [Democratic Republic of Congo](#)

Project: South Africa Power Market Project Phase I

Panel Members: Cavinder Bull (Panel Chair), Maria Vicien Milburn, and Eduardo Zuleta



In this decision, the Sanctions Board imposed a sanction of debarment for a fixed period of eight years on a respondent who was found liable for his corrupt conduct. Notably, the respondent was considered to have been a public official, having served as the project manager under Bank-financed consultant agreements. INT alleged that the respondent solicited and received payments through affiliated companies, in exchange for his assistance with contracts under the project. In reaching its decision, the Sanctions Board assessed documentary and testimonial evidence and looked in particular at the respondent's statements that were conflicting, not supported by the record, or otherwise not credible. The Sanctions Board also found that this case presented various grounds for aggravation, as well as mitigation of the sanction, all of which were considered before arriving at the final sanction of an eight-year debarment. Notably, this sanction was the second sanction applied against this respondent in the past year; the [original debarment](#) and the new eight-year period of ineligibility will run consecutively.

(*) The full text of final published decisions is the primary authority on the Sanctions Board's analysis and determinations in a sanctions case. Summaries of Sanctions Board decisions provided in this newsletter are the work product of the Sanctions Board Secretariat and do not supersede or complement the text of final published decisions, which is publicly accessible as referenced above.

WBG SANCTIONS POLICY AND OTHER ANNOUNCEMENTS

Recent developments from our colleagues in the sanctions system include the release of the [Audit Guidance](#) relating to INT investigations in Bank-financed projects, which are expected to provide important information regarding this process and help facilitate the Bank Group's investigations into potential misconduct endangering Bank-financed development.

Outside the World Bank Group, the community of Multilateral Development Banks recently held a workshop for and by sanctions staff (at both the first and second tiers of review) that sought to build practical knowledge and discuss common challenges. The Sanctions Board Secretariat co-hosted this event with the Bank's Office of Suspension & Debarment; we thank all of our colleagues who participated.

Finally, the Sanctions Board notes an important update in the way that WBG public sanctions are presented online. Beginning in early 2021, the [public sanctions page](#) was enhanced to directly identify the basis of each sanction (see "Grounds") column, making this information easier to review and navigate for all of our stakeholders.



NOTE FROM THE CHAIR & EXECUTIVE SECRETARY:



We are delighted to share with you this inaugural issue of the Sanctions Board's Newsletter, which we plan to issue bi-annually going forward. We hope that it provides some useful insights into the Sanctions Board's and the Secretariat's work, as well as the World Bank Group's larger sanctions system and anti-corruption agenda. Any questions, reactions, or suggestions for future editions are welcome and should be sent to us via sanctionsboard@worldbank.org.

With warm regards,
John & Giuliana