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CORPORATE CULPABILITY: A WAY TO COMBAT CORRUPTION?

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PLENUM 1: DAS ANTI-KORRUPTIONS-BÜNDNIS UND DIE RENAISSANCE DER BÜRGERLICHEN ÖFFENTLICHKEIT – EIN MODERNER KREUZZUG ZUR MORALISIERUNG VON POLITIK UND GESELLSCHAFT?

Not all too long ago serious charges were brought against a number of Siemens employees. It is suspected that for years they had been diverting large sums of money into slush funds. The money is thought to have been used to bribe potential customers. Several members of staff, some in senior positions, were arrested. The fallout from these suspicions extends far beyond this particular case. The details that have arrived in the public domain so far suggest the existence of major problems. They are apparently not only besetting German industry; abroad, corruption still seems to be viewed as a peccadillo or necessary evil. Major corporations involved in large-scale projects, such as power stations, dams or airports are particularly susceptible. This is alarming for a number of reasons. While some companies operating all over the world may find that greasing palms makes it easier for them to do business, these backhanders have devastating consequences for economies in Africa, Asia, Eastern Europe and Latin-America. Bribery and baksheesh make any attempts to escape poverty appear hopeless. The story initially circulated of a gang in the company's basement that had devised cunning methods of getting their hands on millions is probably not entirely accurate. Nevertheless, it may be inappropriate to talk about a "Siemens system". What is clear, however, is that the offence cannot be described solely in terms of the concept of individual responsibility - with its perpetrator and victim - that provides the framework for classical criminal law. As the number and seriousness of allegations against senior employees at multinational corporations continue to grow, it needs to be established whether this form of crime can still be confined to the company or sub company level. An all-embracing and profound structural problem may have developed at global level that extends far beyond the scope of criminal law. This is why we must do more than examine the existing legal situation. We must also discuss legal policy initiatives undertaken so far and future strategic options for dealing with corporate crime.