



Martin Kreutner

Compliance Solutions Day 2019

***Homo oeconomicus* versus *res publica* – Compliance im Spannungsfeld internationaler Entwicklungen**

Martin KREUTNER
fmr. Dean & Executive Secretary IACA
25. September 2019

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Martin Kreutner

***„Keine Mauer ist so hoch,
dass ein mit Gold beladener Esel
sie nicht übersteigen könnte.“***

(Philipp II von MAKEDONIEN, ~382-336 v. Chr.)



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Martin Kreutner

... a global crisis of ...

... international cooperation ...

... of dialogue ...

... of multilateralism ...

... of collective action & responsibility ...

... of confidence ...

... of universality ...

... of trust ...

... of order ...



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Ministry of Education and Science



"What we are seeing [...] today is not [...] a lack of solidarity, but it's rather a clash of solidarities: national, ethnic, and religious solidarities are chafing against our obligations as human beings. [...] Unsurprisingly then, it is loyalty — namely, the unconditional loyalty to ethnic, religious, or social groups — that is at the heart of the appeal of [...] the] new populism."

Ivan Krastev

Ministry of Education and Science

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Ministry of Education and Science

CPI 2018

RESULTS BY REGION



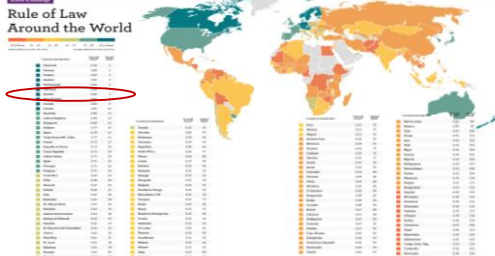
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Rule of Law Around the World



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UNSG António Guterres:

"My overriding priorities since taking office are preventing conflicts and crises, and mobilizing efforts to implement the 2030 Agenda for Sustainable Development. [...]"

This brings me to the top of the list of contemporary criminal justice issues: the fight against corruption."

(CCPCJ at the UN Vienna, 14 May 2018)

UN Women

© UN, 2018

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17 SUSTAINABLE DEVELOPMENT GOALS



... the new (global) social contract ...

Adopted 25 September 2015, UNNY

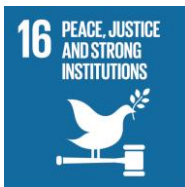
UN Women

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GOAL 16



Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

- 16.1 Significantly reduce all forms of violence and related death rates everywhere
- 16.2 Realize significant reductions in illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of money laundering
- 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all
- 16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of money laundering
- 16.5 Enhance international law enforcement cooperation
- 16.6 Develop effective, accountable and inclusive institutions at all levels
- 16.7 Strengthen responsive, inclusive, participatory and representative decision-making at all levels
- 16.8 Empower and promote the participation of women in leadership at all levels
- 16.9 Build effective, accountable and inclusive institutions at all levels
- 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with international and national agreements
- 16.11 Enhance international law enforcement cooperation
- 16.12 Enhance international law enforcement cooperation
- 16.13 Enhance international law enforcement cooperation
- 16.14 Enhance international law enforcement cooperation
- 16.15 Enhance international law enforcement cooperation
- 16.16 Enhance international law enforcement cooperation
- 16.17 Enhance international law enforcement cooperation
- 16.18 Enhance international law enforcement cooperation
- 16.19 Enhance international law enforcement cooperation
- 16.20 Enhance international law enforcement cooperation

UN Women

© UN, 2018

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Status quo 2019 (& ante/post) Fakten & Herausforderungen:

- Follow-up for the UNCAC Review Mechanism ?
- Implementation of the UNTOC Review Mechanism
- EU => observer to GRECO (after 10a of negotiations)
- C & Human Rights ...
- C & Security ...
- International AC Court ?
- EU Whistleblower Richtlinie
- EU 5. Anti-Geldwäsche Richtlinie

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Status quo 2019 (& ante/post) Fakten & Herausforderungen (cont'd):

- DoJ/USA Guidance on Evaluation of Corporate Compliance Programs
- SFO/UK: Corporate Co-operation Guidance
- GER: (Münchner) Entwurf zu Verbandssanktionen-Gesetz vs. Individuelle Strafbarkeit
- Asset Recovery, freezing & return
- Data privacy & security (confidentiality, integrity, accountability)
- Beneficial ownership (registers, accountability, etc.)
- Artificial intelligence, new technologies, bio-engineering, automation
- Digitalisierung der Zahlungsströme
- et al.

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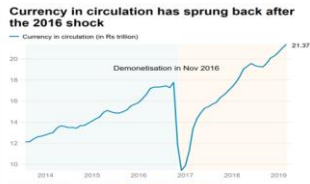
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Month: September

On 8 November 2016, Prime Minister Narendra Modi of INDIA declared that all ₹500 and ₹1,000 notes, which together accounted for 86% of the currency in circulation, would no longer be legal tender, stating:

"The magnitude of cash in circulation is directly linked to the level of corruption".

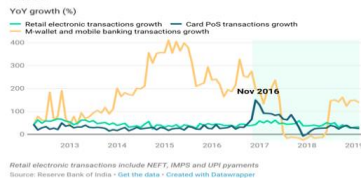


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Month: September

Digital payments spiked in the immediate aftermath of demonetization but have normalized since



That fact is as sobering as the fact that demonetization failed to meet its objectives.

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Month: September



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"... there is one and only one social responsibility of business to use its resources and engage in activities designed to increase its profits ..."

➔

... we share a fundamental commitment to *all* of our stakeholders:

- Delivering *value* to our customers ...
- Investing in employees ...
- Dealing *fairly and ethically* with our suppliers ...
- Supporting the communities in which we work ...
- Generating *long-term value* for shareholders ...

Milton FRIEDMAN, NYT 1997
=> US Business Roundtable

Statement on the Purpose of a Corporation
US Business Roundtable, 19 August 2019

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Mr. Milton Friedman,
dean of orthodox free market economists,
has been quoted that [some time ago]
he would have had three words for countries
making the transition from socialism:
"privatize, privatize, privatize".

"But I was wrong,"

he reportedly continued.

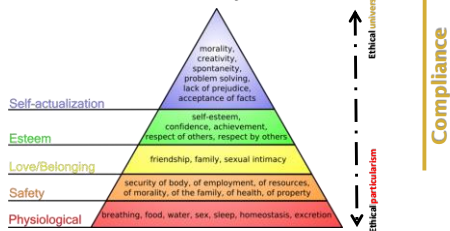
*"It turns out that the rule of law is probably
more basic than privatization".*

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Maslow's hierarchy of needs



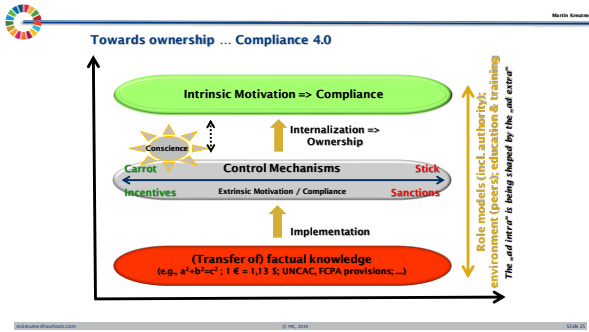
Sociological contextualization & frameworks of reference

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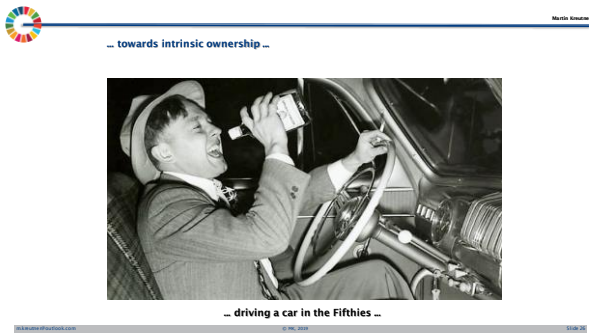
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_ towards intrinsic ownership ...



Waste disposal

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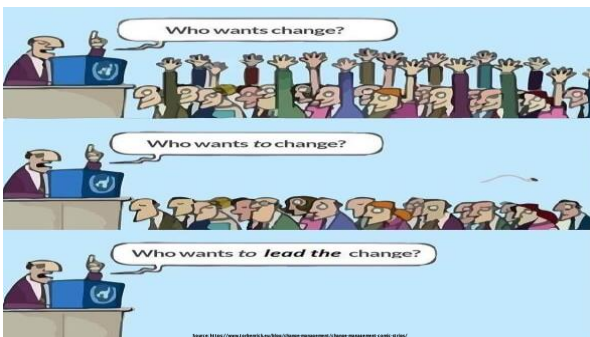


_ towards intrinsic ownership ...



Waste disposal in 2019

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Morituri te salutant ?



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Social contextuality (peers, role models, tone from the top, ...)
 The „ad intra“ is being shaped by the „ad extra“ (apple-basket theorem)



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**„Every CEO [and CCO]
 is in fact
 a Chief Cultural Officer.**

**The terrifying thing is
 it's the CEO's actual behaviour,
 not their speeches or the list of values
 they have put up on posters,
 that defines what the culture is.“**

Scott Berkun

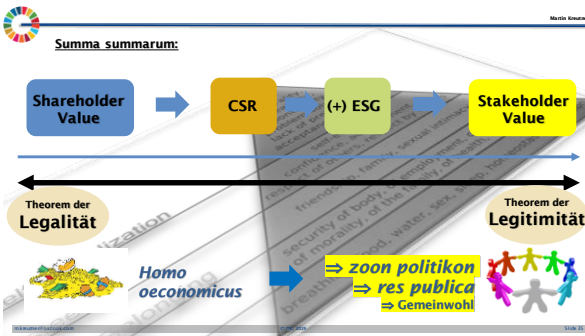
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**„The fight against corruption
is a clear business case for global companies.
To be part of a company that stands for
ethical and value-based behaviour,
to do the right thing, to do good,
ultimately is
a great [intrinsic] motivating factor
and incentive for our employees,
and it helps society on all levels.“**

Andreas C. Hoffmann, General Counsel, Siemens AG (2014)


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English class ...



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Danke & Alles Gute !

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fmr. Dean & Executive Secretary IACA
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