

Defying white-collar impunity

FOR those of us who love this great little country, or are stuck here, it has been a sorry third millennium. First, whatever Roddy Doyle thinks, we lost the run of ourselves – economically, socially, environmentally and culturally, becoming bumptious, crude and greedy; then we imploded exposing a legacy of dust and a citizenry bitter, beleaguered, rudderless and above all compliant. But through the turmoil we never seem to have stopped off to learn the big lessons – like that our vision of the future needs to be sustainable and compassionate.

Every page of this issue groans under the evidence of lessons unlearned – from Frank Connolly on Frank Dunlop [p31] to Niall Crowley on philanthropy [p54] to features on the Public Accounts Committee’s approach to the discredited Dublin Docklands Development Authority [p18], planning malpractice [p33], climate-change scepticism [p56], institutional abuse [p38] and nepotism in the cultural sector [p64].

Nothing is being done properly. It says it all that the answer this country found to Fianna Fáil was Fine Gael. For never have two political parties been so indistinguishable. The same deference to Big Finance and multinational corporations prevails. For many the solution is a return to the past. But more.

Village’s conclusion is that we need to start over again. Normally it is good to start with a clean page but the page in front of us is filthy. We have to clean it.

If there were any sign the authorities were serious about regulation we might let bygones sit. But from the Director of Public Prosecutions (DPP) to the financial regulator to the failure to appoint a planning regulator with teeth to the eviscerated Human Rights and Equality Commission we’re not guarding against the dangers of repeated recklessness.

This magazine feels in the particular circumstances of Ireland 2013, we cannot move on until there has been justice for the perpetrators of the now-embedded dysfunctionality.

In a democracy the culture of impunity, especially white-collar impunity, best evidenced in the failure to prosecute on foot of the planning and payments tribunals and the banking delinquencies, cannot prevail. There must be prosecutability and it must be seen by all.

It is a fundament of our criminal law, recently confirmed in the High Court, that the public, acting as ‘common informer’ may initiate criminal proceedings. If the proceedings are treated summarily they proceed to verdict led by the common informer; if on indictment, the DPP may take them over after the return for trial.

Village is asking the DPP to signal the initiation of prosecutions against some of the most obvious potential defendants from the tribunals and

banking debacle. These include UniCredit Bank, John Bowes, Michael Fingleton, Michael Lowry, and the protagonists in Monarch Properties found to be corrupt by the Mahon Tribunal. The offences that should be tried include offences under the Central Bank Acts, detailed on page 30, deceit, fraud, corrup-

tion, bribery, perjury and obstruction of tribunals.

If the DPP signals no such intent, *Village* and its protagonists will seek the issue of a summons in September. A press conference will be called outlining the stance. It will seek public support for other actions by asking persons with evidence to come forward, and perhaps engage in

fundraising.

The ethos of the DPP must be changed.

The lessons for accountability of the allegedly corrupt over the last twenty years are that tribunals were run lazily and profligately. The Planning Tribunal relied too much on the evidence of one man and the Payments Tribunal ran into difficulties about the culpability of civil servants. The courts – the criminal courts – not the tribunals, is where these matters should be settled. But clearly the Garda and its Fraud Squad, Criminal Assets Bureau (CAB), the DPP, the Office of the Director of Corporate Enforcement (ODCE) and the Central Bank have failed in their solemn duties, presumably for internal cultural reasons.

In those circumstances it falls to private citizens to assert the democratic imperative of prosecutions in a state whose failure is largely attributable to the machinations of a quantifiable few.

Village is not looking for heads on sticks, it is not asserting the guilt of anyone (it defends the central presumption of innocence), it is taking the clear position that there appears to be enough evidence that people such as those cited above should at least be prosecuted.

Never have institutional minds needed more to be concentrated. ■



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