

## The Case against the Irish State

Imagine this; you buy a ticket for a flight on a plane. It's sold by a reputable airline that is approved by the state and controlled by the aviation regulator. The regulator assures the passengers that it has made all of the appropriate checks to ensure the airline operates according to all of the regulations. The plane takes off on its journey. However, it is overloaded and does not have enough fuel to reach its destination. It crash lands causing major injury to all of the passengers. There is no one left uninjured and indeed some passengers die.

Two years later the airline goes on to sue the injured passengers holding them responsible for what has happened. Ridiculous isn't it?

It is, but it best illustrates what has happened in the Irish economy in the last few years.

The problem here is that the people being held responsible are solely the borrowers. No responsibility is being borne by the creators of the collapse, even though a significant number of these people have apologised. These include AIB bank Chairman, the Bank of Ireland CEO, the ex Financial Regulator and more recently, the present leader of Fianna Fail, Michael

Martin, who was in government during the entire creation of the Celtic Tiger for the last 14 years.

So how can we fairly address the balance of this situation and what are we looking to you for, this evening?

We have an idea and we want your support. Your support is for a court case we wish to take on behalf of the members of the IPC and indeed on behalf of the citizens of Ireland who find themselves in the same position as our members. A court case that will be ground breaking and will seek to apportion responsibility for the collapse amongst the participants. The participants in this case being the borrower, the banks and the state. We are not looking to get the borrower off. We are simply seeking fairness in how that responsibility is shared and a recognition that responsibility exists within The Irish State.

The first people responsible are of course the borrowers themselves. The purpose of the court case is to identify to what extent the Banks are responsible through their reckless lending and the state is responsible through their lack of regulation and incompetence.

The Regling & Watson report which the government itself commissioned is the first and to date the only official report analysing the banking crises. It fully lays the responsibility for the creation and collapse of the property industry on the doorstep of the government, the financial regulator, the governor of the central bank and the Dept of Finance. This is what Michael Martin has apologised for.

What we propose to do is to find a plaintiff who is a total casualty of the collapse. Someone who has lost everything by participation in the property market, either through construction, development or investment.

What we hope to get from you this evening is two things:

- 1) Moral support
- 2) Financial support
- 3) A Plaintiff/s

We simply cannot allow a situation like this to happen again. We must fight for accountability. Accountability has to be the way forward for the

institutions of the state and the people who seek the position within them.

The fundamental of our case in very simple terms is that the state and institutions of the state which created and caused this collapse would no longer have the power to enforce judgements as they caused the collapse and now it is their responsibility to give us back our good credit rating and restore our ability to do business in the future. The state cannot afford compensation in this case as the amount is so great.

To date we have consulted with our solicitors, Ferry Solicitors in Ormond Quay, Dublin. They have advised us that there is a case to answer and should they receive instructions, they would instruct the most eminent senior and junior council to fight the case on our behalf. Estimated cost is €250k although not for the first stage consultations.

The first victory may be that due to the significance of our case, that all other judgements are suspended pending a verdict – our case would be centre stage and of national importance.

The case would involve calling to give evidence all the leading bankers, politicians, senior civil servants in Dept of Finance, together with the retired financial regulator and retired governor of the central bank.

It will be a tough battle, maybe a nasty one, but it is a fight that we think is worth having, and may be the start of the fight back by property people in the island of Ireland.

I would commend to the floor and welcome your thoughts.....