Ladies and gentlemen,

It gives me great pleasure to be here this morning to address the opening session of the Conference of the Camden Assets Recovery Inter-Agency Network under the Irish Presidency.

I am delighted to be able to welcome so many experts in the field of asset tracing, freezing and confiscation to this event today.

First and foremost, I would like to take this opportunity to acknowledge the invaluable work that is carried out by the asset recovery agencies across the globe and by you, the practitioners, as experts in the field.

Traditionally our approach to tackling criminal behaviour is to bring the perpetrators of crime to justice under our criminal law and to allow for the imposition of criminal sanctions and penalties on those convicted of crime.

A further key component in our law enforcement response to serious and organised criminal activity has been the establishment of well developed systems for the confiscation of proceeds of crime.

It is through divesting those involved in criminal conduct of their illicit gains that we seek to disrupt and dismantle criminal enterprises, and prevent the possible future reuse of illicit funds for criminal purposes. In doing so we create a safer, more stable and secure environment for our communities and allow for legitimate economic growth free from the illicit investment of proceeds of crime.

The UN estimates that the total amount of criminal proceeds generated in 2009 may have been as much as $2.1 trillion, or 3.6 per cent of global GDP in that year.
Despite the best efforts by law enforcement agencies, unfortunately, much of the illegal profits generated worldwide remain in the hands of criminals, their associates, their friends and families.

To allow such a situation to go unchecked or unchallenged would be a failing. It is entirely unacceptable to our sense of justice that those who engage in criminality, or those who may be associated with such persons, should reap significant rewards from criminality and enjoy lifestyles well beyond their legitimate means.

It is incumbent on all of us to ensure that we continue to take all steps open to us to bring about a more effective and challenging response to this reality.

The theme of this years CARIN conference – “recognition and implementation of alternative strategies in targeting the proceeds of crime” is particularly pertinent given the ever developing methods for the generation and concealment of unlawful financial gains. Asset recovery agencies work in a very dynamic and complex environment where the effects of globalisation, in society and in the way we communicate and do business, are exploited to provide new opportunities for illicit gain, and to conceal the proceeds of crime behind a façade of legitimacy.

We too must therefore stand armed with the necessary tools and knowledge to keep pace with such developments. Of course, in such a complex and globalised environment no one can act in isolation. We need to share the wealth of information that you the practitioners have gained in this area and harness that information to inform future strategies. The Network provides a wonderful opportunity for experts to come together and do just that.

Looking at the programme for the Conference it is clear that the Network is engaged in very forward looking and strategic responses to the challenges faced by practitioners. The Network has a history of bringing the challenges faced by its members to the fore and bringing its views into the broader policy discussions at international level. I therefore very much look forward to seeing the conclusions from this conference emerge in due course in future policy discussions.

The international communities have long recognised the importance of asset forfeiture work and the need for enhanced international cooperation in this area. This is evidenced by the significant body of international law which either directly provides a legislative framework for the confiscation of the proceeds of crime or which inter alia provide for confiscation measures related to certain conduct, for example, the UN Convention Against Corruption.
It is notable that the UNODC in an effort to further support the implementation of the Corruption Convention and to strengthen the capacity of the parties, established an Inter Governmental Working Group on Asset Recovery to advise and assist the States Parties to the Convention in the implementation of its mandate on the return of the proceeds of corruption. The Working Group also provides a forum for discussion on the practical aspects of asset recovery, including the challenges and good practices and also acts as a forum for discussions on capacity-building and technical assistance.

With regard to international developments, I note that your Agenda also includes an item concerning work that is underway at European level to provide for an enhanced EU legislative framework in this area - the proposal for a new Directive on the freezing and confiscation of proceeds of crime in the European Union. As many of you will be aware, this proposal seeks to further harmonise European rules particularly with regard to criminal confiscation measures.

While it was hoped that significant progress on this dossier might be made during the Irish Presidency that unfortunately has not proved possible. Although, I was heartened to learn that just last week the European Parliament finally settled its position on the instrument and that negotiations with the Parliament are expected to commence shortly.

Such a proposal is to be strongly welcomed as a further step in the strengthening of the response at European level. Ireland is strongly of the view that if we wish to create a truly hostile environment for those in possession of illicit gains, it is essential that we keep under continuous review our legislative frameworks so as to ensure their proper development and effectiveness. While the scope of this harmonising measure is restricted to confiscation measures that are criminal in nature, we are hopeful that we will also see further developments in the future with regard to the development of mutual recognition instruments dealing with both civil and criminal orders.

Recognising, that those associated with criminality, in particular serious and organised crime, have shown the ability to distance themselves from the commission of offences and yet maintain lifestyles supported by the proceeds of such activity, a number of jurisdictions have incorporated remedies such as non-conviction based civil forfeiture regimes into their legal systems. Such a remedy has increasingly become a feature of the asset forfeiture landscape internationally and amongst some Member States of the European Union.
Of course, with diversity in approaches we also present ourselves with the challenge at international level of developing international cooperation based on such diversity. The plain fact is that legal regimes differ and this brings diversity in terms of procedural rules, evidential rules and legal safeguards. Such diversity in approaches can sometimes give rise to lack of understanding or even the misconception that fundamental rights may in some way be circumvented or diminished in the less familiar regimes.

However, it is clearly the case that civil forfeiture regimes can, and do, operate within legal frameworks which can provide the necessary powers together with the requisite fundamental safeguards to ensure systems that are fair and just and which meet fundamental rights standards.

I am hopeful that through the international fora, including this Network, we can build sufficient knowledge and familiarity with these systems to support enhanced cooperation in the future.

I recall the tragic events out of which Ireland’s civil forfeiture regime was born – the killing of a member of An Garda Síochána and an Irish journalist. The horror of those events and the public outrage that followed demanded that the State take action against those who profit from organised crime.

As participants in CARIN, you will no doubt have a familiarity with the work of the Criminal Assets Bureau.

The remit of the Bureau is to confiscate, freeze or seize the proceeds of crime, ensure that criminal proceeds are subjected to tax, and to determine the eligibility of claims for State benefit or assistance by criminals or suspected criminals.

It has long been acknowledged that one of the key strengths of the Bureau is its multi-agency structure. In addition other notable operational developments have been the establishment of a Bureau Analysis Unit and the ongoing training and recruitment programme for asset profilers who are located throughout the jurisdiction and who provide an asset profiling service to the Bureau.

The introduction of a civil forfeiture regime and the establishment of the multi-agency Bureau - were all very novel concepts in this jurisdiction. However, the success of the Bureau and the public support it enjoys are a testament to the commitment of the
agencies involved under the stewardship of the Chief Bureau Officer and to the fact that citizens want to know that those who seek to live on the spoils of organised criminality will be held to account.

To conclude, I would like to thank and congratulate everyone involved in the organisation of this event. I know the staff of the Criminal Assets Bureau, with the support of Europol and the funding provided by the European Commission, will ensure that this event is as productive as possible.

Finally, I would like to wish you, the participants, well and I hope that we will see the fruits of your work in the future development of more effective action against the proceeds of crime at national and international level.

ENDS