Ireland: modernisation via Europeanisation

Introduction: EU membership as part of the National Project

Membership of the European Union since 1973 represented for Ireland the achievement of a roof or a shelter for its national project of modernisation. Following a re-assessment of Ireland's economic policy in 1958, when a decision was taken to pursue external-led economic growth financed by multinational investment, membership of the large European market with its CAP became highly desirable. Economic growth was necessary to alleviate the political and social consequences of low incomes, emigration, high unemployment and low productivity. The highly conscious change marked a reversal of protectionist economic policies. EU membership was about providing Ireland with the opportunities to 'catch-up' economically with mainstream Europe, to make Ireland more like urbanised, industrialised Europe and thus less like the kind of Ireland the original state-builders wanted to construct. EU membership was also likely to help in relation to the traditional concerns of Irish nationalism, notably by providing a multilateral context within which to tame or modify its asymmetrical political and economic relationship with the United Kingdom. Hence European integration was regarded from the beginning as a positive-sum game by the Irish state elite and Irish society. In Europe, Ireland was attempting to consolidate its economic and political independence and re-discover its society's internationalist traditions.

The period since joining the Union largely confirmed the early expectations of membership. In the Union, Irish politicians and policy-makers adapted with relative ease to the demands of multi-level governance. They had a keen sense that for a small state the 'pooling of sovereignty' actually enhanced autonomy and freedom of action. There were few reservations in Ireland about traditional doctrines of sovereignty. Apart from the question of military alliances, there was an easy fit between domestic concerns and the Union's policy regimes, which enabled successive Irish governments to appear 'communauteaire', at least when seen

from the perspective of the preferences of the Danes or the British. This was confirmed in 1985 at Milan, when Ireland was the only new Member State to vote with the ‘inner six’ on the question of treaty change. From the outset, Ireland’s two main political parties – Fianna Fail (FF) and Fine Gael (FG) – favoured membership of the EU. The Labour party (LAB), which opposed membership in the 1972 referendum, quickly accepted the democratic choice of the Irish electorate but remained vigilant on such issues as neutrality and neo-liberal market integration. It did not take a formal position on the SEA in the 1987 referendum but supported the TEU in 1992. The Democratic Left (DL, which dates from 1992 and formally integrated with the Labour Party in 1999), a party further to the left of the Labour Party, opposed the TEU but supported the Treaty of Amsterdam. Of the remaining parties in Parliament, the Green party (G) and a republican party, Sinn Fein, are the only two parties to continue to oppose treaty change in the Union. There has thus been a gradual but reluctant acceptance of EU membership across the political spectrum. EU membership did not lead to any divisive splits in Ireland’s political parties. An expert survey carried out in 1992 on party attitudes shows where the parties lie on closer relationships with the Union; it remains largely accurate apart from the shift in the position of DL (see Table 10.1).

Table 10.1 Expert survey on Irish party positions

<i>Oppose close relations with the Union</i>											<i>Support close relations with the Union</i>									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
			SF	WP			G		DL					LAB	FF		PD	FG		

Source: Laver (1994), p. 164.

At a popular level, the Irish electorate has ratified each EU Treaty by a comfortable majority since 1972 and has thus given its consent to the deepening of integration since the mid-1980s. Acceptance of Ireland’s involvement in European integration appears well rooted in the Irish body politic and in surveys over many years, well over 80 per cent of respondents believe that membership has been good to Ireland. In *Eurobarometer* 48 (autumn 1997), 88 per cent of Irish respondents felt that Ireland had benefited from membership; this was a far higher proportion than for any other Member State. Support for Ireland’s membership of the Union is not accompanied by a high level of knowledge about EU affairs. Ireland ranks just above the Union average in such knowledge, with 59 per cent of Irish respondents to *Eurobarometer* surveys displaying low or very low knowledge of the EU.¹

There is remarkable consistency in the policy domains that were accorded a high priority by Ireland in the Union. From the outset, emphasis was placed on the CAP and the need to develop cohesion policies at EU

level to assist Europe's peripheral areas to catch-up. In addition to these, priority was given to sectoral policies and EU regulation that were likely to have an impact on Ireland's competitive position and on regulatory frameworks at national level. The Internal Market programme was thus accorded a high priority because of the weight of EC legislation and the need to prepare the Irish industry and the service sector for the competitive shock of the 1992 programme. The TEU marked a further deepening of integration with the inclusion of provisions on a single currency, the CFSP and pillar three. Rather than dislodging the high-ranking policies of the past, the TEU simply added additional priorities and concerns. The Programme for Government (FG, LAB and DL) in 1994 and the 1997 FF and Progressive Programme for Government highlighted the following themes:

- *EMU*: Commitment to the public debt philosophy and targets set out in the Maastricht Treaty (Government Programme, 1994)² and support for the full observance of the Maastricht criteria across Europe (Government Programme, 1997).³ Full consultation with the exposed sectors of the economy about the potential problems faced by them in the single currency zone.
- *Structural Funds*: Emphasis on the need to maximise sustainable and long-term employment as a result of the projects undertaken (Government Programme, 1994). The need to negotiate the continuation of EU structural funds so as to avoid or mitigate any sudden shock to the Irish economy (Government Programme, 1997).
- *Social policy*: Support for the Social Charter and the improvement of working and living and working conditions (Government Programme, 1994).
- *Small states*: Need to protect the interests of smaller Member States in any institutional reform. (Government Programme, 1997).
- *The Presidency in 1996*: Ireland took over the Presidency in the latter half of 1996 after a succession of large-state presidencies. It was determined to show that small-state presidencies could manage the business of the Union in an effective manner.

Of the above, adaptation to the single currency and the reform of the Structural Funds had the highest political and official priority. Domestic adaptation to the challenge of competition and Ireland's vulnerability as a small open economy, was not however, unproblematic. Ireland had, perhaps, the worst economic performance in Europe during most of the 1980s, as a result of international recession, which was reinforced by a dramatic domestic adjustment to reduce public finance and balance of payments deficits and reduce inflation. By the mid-1980s, Ireland's economic and social strategy was in ruins and its hope of prospering in the Union was in considerable doubt. Ireland had to find the institutional and

cultural capacity to overcome the failure of the 1980s. Without this the opportunities offered by the internal market and a deepening of integration would have been lost. Gradually there was a recognition by government and the key representatives of the two sides of industry that 'membership of the Community does not reduce the need for clear Irish policy aims and methods. In particular, membership of the Community does not diminish the need for a national ability to identify solutions to national problems – even where these required Community policies or action.'⁴ Thus a key concern of this period was to ensure that Ireland's domestic policies were congruent with membership of a highly competitive market regime.

Irish efforts to manage 'Europeanisation' and internationalisation evolved through a form of neo-corporatism known as 'social partnership'. This began in 1987 with the Programme for National Recovery (1987–90) and was followed by three subsequent programmes – the Programme for Economic and Social Progress (PESP 1990–93), the Programme for Competitiveness and Work (PCW 1994–96) and Partnership 2000 (1997–2000). The programmes involved agreement between employers, trade unions, farming interests and the government on wage levels in the public and private sectors and on a wide range of economic and social policies. The content of all programmes were negotiated in the context of EU developments and the need to ensure that Ireland adjusted to the demands of economic integration. The partnership approach, together with an expansion of EU spending programmes in Ireland, produced the much-needed recovery from the disastrous early and mid-1980s. From 1992 onwards, Ireland consistently out-performed its EU partners in terms of economic growth, employment creation and the growth of exports. As a result, per capita incomes in Ireland converged rapidly with the Union. EU finance was critical in helping Ireland create the human and physical infrastructure which fuelled economic growth and recovery. This meant that at the end of the 1990s, Ireland had to re-position itself, as it was no longer the poor peripheral state that joined in 1973. It is now a successful competitor for growth and employment creation.

Constitutional changes following the TEU

Article 29.4.3, which was inserted into the Irish Constitution in 1972 after a referendum on the question of EU membership, enabled the state join the European Community and conferred constitutional immunity on measures 'necessitated' by such membership. It did not, however, enable the Irish state to take on new constitutional and legal obligations without recourse to the people in a referendum, if the Union was taking on significant additional powers. The TEU was judged by the government to require a referendum in Ireland to amend the Irish Constitution, given the significance of the single currency project. The TEU referendum was the

thirteenth referendum to amend the Irish Constitution, and the third on the Union. The referendum campaign was led by the incumbent government, a FF–PD coalition which had been formed in February 1992 under the leadership of Albert Reynolds, the leader of Fianna Fail. The Government White Paper on the TEU was launched in April 1992 with an accompanying guide to the main features of the Treaty. The tone of the government White Paper was very supportive of the TEU and recommended ratification by the Irish electorate. The main message was that membership of the Union conferred substantial economic, political and social benefits on Ireland and that ‘staying out could only be devastating’.⁵ The stage was set for another routine EU referendum in Ireland. This occasion was, however, disturbed by a High Court and Supreme Court case on abortion and by the Danish ‘no’ vote in June 1992. During the negotiations on the TEU, the Irish government had insisted on the inclusion of a protocol to the Treaty which stated that no provision in the Treaty could override the eighth amendment to the Irish Constitution which protected the life of the unborn and gave constitutional protection to a legal prohibition on abortion facilities in Ireland. The protocol became embroiled in controversy because of a case in the Irish High Court and Supreme Court (February–March 1992) about the right of a fourteen-year-old alleged rape victim to travel to the United Kingdom to have an abortion. The constitutional uncertainty arising from the case meant that the TEU protocol was the subject of considerable suspicion by both the pro- and anti-abortion lobbies. The public campaign was dominated by contention about the impact of the protocol on women’s rights and not on the substance of the Treaty itself. Following the Danish ‘no’ vote in June, the government moved quickly to reiterate its commitment to a ‘yes’ vote in Ireland. In Parliament, the Taoiseach argued that:

The reasons for a ‘yes’ vote in our case are clearly in evidence, with the overwhelming endorsement given by this House and the Seanad recently, as well as by the full spectrum of economic and commercial interests including employers, trade unions and farming bodies.⁶

Do those who advocate a ‘No’ vote here tell us how we would cope with the sort of pressures which have hit Denmark today? Could we as an even smaller and less wealthy economy withstand the outflow of investment funds which would follow?⁷

I cannot emphasise sufficiently that a resounding ‘Yes’ will be important here to enhance our standing in Europe and strengthen our position in EC negotiating fora.⁸

In the event, the TEU was passed by a sizeable majority (69.1 per cent ‘yes’, 30.9 per cent ‘no’). Ireland was thus in a position to assume the legal and constitutional obligations of the Treaty and once more the commitment of the Irish people and not just the state elite to Ireland’s membership of the Union was confirmed. Apart from constitutional

change, the TEU did not in itself lead to any major institutional or procedural changes in Irish Government (Figure 10.1).

The national policy-cycle: the EU as a reference guide for internal reform

Overall, EU business was grafted onto the pre-existing pattern of public policy-making in Ireland through a process of what might be called 'internalisation'. Because of the political consensus in Ireland on Europe and the high level of support for membership in the first referendum, Irish civil servants did not face the challenge of participating in EU policy-making in a hostile political or parliamentary environment. They did not have to control, disguise or attempt to contain the impact of EU policy at national level. Rather successive governments and the senior civil service were largely free to chart Ireland's course in the Union. This allowed them to be open to the multiple streams of 'Europeanisation' coming from Brussels.

The central actors in the management of Ireland's EU policies are the incumbent government and senior civil servants in central administration. Irish administrative adaptation was based on the primacy of the 'lead department' for each area of EU policy that fell within its responsibility. The primacy of the 'lead department' reflected Irish administrative culture, which accorded considerable latitude to the sectoral ministries, notwithstanding the doctrine of collective responsibility and the role of the cabinet in co-ordinating public policy. Individual departments are responsible for those areas of EU policy that fall within their functional competence. Responsibility implies the preparation of Ireland's negotiating position, attendance at Commission committees and advisory groups, negotiations in Council working parties and subsequent implementation of law or spending programmes. The impact of the Union is thus uneven across the system with some ministries entrenched in the Union's policy processes and others with a periodic and more intermittent interest. As new areas develop at EU level, national ministries are brought into the Union's policy process. A distinction needs to be made between the overarching, multi-sectoral and sectoral departments. The Departments of Foreign Affairs, Finance and the Taoiseach (Prime Minister's Office) are the main overarching departments. The Department of Finance had the longest tradition of involvement in EU business from the early 1960s, whereas the Department of Foreign Affairs was transformed by membership. The importance of the Finance Ministry has been enhanced by its management of structural funds and its responsibility for EMU preparations. The role of the Taoiseach's Department was accentuated by the development and growing importance of the European Council. From the beginning, the Department of Agriculture was the main sectoral

Figure 10.1 The national level of European decision-making – Ireland

department affected by membership, but is now one of many embedded in the Union’s policy process. What is now called the Department of Enterprise, Trade and Employment has major EU responsibilities across a range of EU policies; it services four different Council compositions. Developments in the third pillar enhanced the presence of the Department of Justice in EU policy-making as it takes the lead in this domain (Table 10.2).

Table 10.2 Ministerial responsibility for EU matters in the central administration

Overarching ministries	Taoiseach’s (Prime Minister) Department Department of Finance Department of Foreign Affairs
Sectoral ministries with one distinctive policy area	Department of Agriculture and Food Department of Justice, Equality and Law Reform Department of the Environment and Local Government Department of the Marine and Natural Resources Department of Education Department of Health and Children Department of Arts, Heritage, Gaeltacht and the Islands
Sectoral ministries with multiple EU responsibilities	Department of Enterprise, Trade and Employment Department of Public Enterprise Department of Tourism, Sport and Recreation

With the exception of the Department of Defence, all departments of state have been gradually brought within the ambit of the Union’s governance structures. The intensification of ‘Europeanisation’ is apparent across the range of public policies.

The government and cabinet

The cabinet has the primary responsibility for the management of national and EU policy. The core principle of cabinet government in Ireland is the doctrine of collective responsibility which ensures that the cabinet as a whole takes responsibility for its decisions and individual ministers are expected to support government decisions in public. A pronounced feature of Irish government formation since 1982 is the dominance of coalition governments. Responsibility for EU policy does not appear to have been a major source of tension in government formation, nor are coalition governments any less cohesive on EU matters. EU policy is dealt with through the normal procedures established for the cabinet. Individual ministers bring memoranda to government on EU issues that require monitoring or agreement by the government. Departmental ministers are

responsible for those areas of EU policy that fall within the ambit of their departments. They represent their departments in the EU's ministerial Councils and oversee the implementation of EC laws and programmes. The key ministers are the Ministers for Foreign Affairs, Finance, Agriculture, Justice and Enterprise, Trade and Employment. In most governments since the mid-1980s, there has been a practice of having a Minister of State (junior minister) with a European responsibility attached to the Foreign Ministry or the Taoiseach's Department or both. The government elected in June 1997 is the first government, in over a decade, not to have a minister with this responsibility.

The pillar structure introduced by the TEU did not have any discernible impact on Ireland's policy style or the management of EU business, other than to further increase the salience and reach of EU affairs. The most significant extension in the first pillar was the single currency project which became the responsibility of the Department of Finance. Its tasks in relation to EMU included budgetary policy so that Ireland could meet the convergence criteria, participation in EU committees dealing with the evolution of single currency rules and policies and domestic preparation for the advent of the Euro. In 1995, the Single Currency Officers' Team (SCOT) was established to prepare for the introduction of the Euro in the Irish public sector. This was followed by the Euro Changeover Board, which is responsible for the technical aspects of the changeover and information programmes for companies and the wider society. The extension of pillar one activities to new policy areas such as public health, culture, education, civil protection, tourism and consumer protection was absorbed into the workload of existing government departments and state agencies.

Responsibility for the second pillar remained with the Political Division of the Department of Foreign Affairs which had been responsible since 1973 for European Political Co-Operation (EPC). As CFSP dealt essentially with traditional areas of foreign policy, the Political Division had less involvement, than the Economics Division, with government departments on the domestic side. CFSP remained largely within a relatively small and closely-knit policy community in the diplomatic service. The sensitivity of security policy in an Irish context, however, ensured that there was considerable public and parliamentary scrutiny of Ireland's activities under the CFSP umbrella. As a direct consequence of the TEU, Ireland assumed observer status at the WEU in 1993 together with Denmark but remained outside the Partnership for Peace of NATO (PFP). In January 1999, the government took a decision to join PFP. The Department of Justice took the lead role on pillar three issues with the Department of Foreign Affairs playing a subsidiary role. Again this was a domain that remained largely outside cut and thrust of domestic policy-making.

The national parliament

Following membership of the Union, the Oireachtas lost the 'sole and exclusive power of making laws' bestowed on it by Article 15.2.1 of the Constitution. Like other parliaments in the Member States, the Oireachtas sought to qualify its loss of law-making powers by establishing mechanisms to oversee the government's behaviour. Besides being to some extent accountable through the traditional mechanisms of parliamentary questions and debates, the government is also committed to placing a report on EU developments before the Houses of the Oireachtas twice yearly. These reports generally arrive too late for parliament to give serious consideration to the issues they raise. They are however, a useful overview of developments in the Union for those deputies committed to tracking EU business.

In 1973 the Oireachtas established the Joint Committee on the Secondary Legislation of the European Communities, as a watchdog committee on EC matters. Since Ireland did not have a strong tradition of parliamentary committees, this committee was something of a novelty at the outset. It had twenty-five members (eighteen deputies and seven senators), with the political parties represented in proportion to their strength in the Oireachtas. Its terms of reference allowed it to examine and report to the Oireachtas on Commission policy proposals, legislative proposals, EC laws, regulations made in Ireland under the European Communities Act 1972, and all other legal instruments that flow from EC membership. Between 1988 and 1992, the Committee published twenty-six reports, the largest number of any parliamentary committee.

The Joint Committee suffered from a number of constraints that impede the work of all parliamentary committees. Its terms of reference were very restricted, so it concentrated most of its energies on secondary legislation and did not maintain a systematic overview of the flow of EU policies through the legislative process. Nor could it examine major changes in the European landscape, notably the collapse of communism and German unification, that would shape the Community of the 1990s. In the work that it actually did, it was hampered by a weakness of both financial and human resources. Neither the members nor the secretariat of the committee had the legal or technical expertise to examine many of the complex issues involved in EC law and policies; the many time pressures on Irish politicians do not allow them to develop the kind of expertise required for a thorough examination of EU policies.

In response to these difficulties the FF-LAB government established a new Joint Oireachtas Committee on Foreign Affairs in the spring of 1993. This subsumed the work of the previous Committee on Secondary Legislation, and also covered a much broader agenda encompassing the state's foreign relations as a whole. The establishment of a Foreign Affairs Committee brought Irish parliamentary practice into line with other

parliaments in Western Europe. The terms of reference of the Committee established in 1993 allowed the Committee to:

- Scrutinise the estimates of the Department of Foreign Affairs and International Co-Operation.
- Analyse and report on all aspects of Ireland's international relations including its co-operation with developing countries and Ireland's membership of the European Communities.
- Receive and debate the Government Annual report presented to both Houses of the Oireachtas.
- Send for persons, but information need not be provided to the Committee if a Member of the government certifies in writing that such information is confidential.
- Engage the services of consultants and specialists.

Irish members of the EP including Northern Ireland may attend the Committee but not vote.⁹ The Foreign Affairs Committee meets once every two weeks and has four sub-committees; it published seven reports between December 1993 and October 1995.

A separate Joint Committee on European Affairs was re-established in March 1995 as part of the 1994 Programme for Government, because the work of the Foreign Affairs Committee left it with inadequate time for the scrutiny of European law and wider EU developments. This meant that the Foreign Affairs Committee no longer carried a European brief although ambiguity remains concerning the CFSP. Both Committees ceased to exist in June 1997 when the Parliament was dissolved and were re-established in autumn 1997 by the new Parliament. The terms of reference of the European Affairs Committee enable it to:

- Consider such matters arising from Ireland's membership of the European Communities.
- Consider programmes and guidelines prepared by the Commission, acts of the EC Institutions, regulations under the 1972/95 European Communities Acts and other instruments necessitated by membership of the Communities.
- Consider matters referred to it by the Houses of the Oireachtas.
- Represent the Irish Parliament at COSAC.¹⁰

The European Affairs Committee meets in plenary session once a fortnight and has one sub-committee which deals with EC secondary legislation. Ireland's fifteen MEPs have the right to attend the Committee and to participate in the discussions. It is difficult to judge the effectiveness of the Committees as they are of relatively recent origin and have been established at a time when there is an attempt to professionalise and enhance the committee structure of the Irish Parliament. Neither Committee has adequate research and administrative back-up to develop

independent thinking on foreign and European issues. The Committees are heavily dependent on briefing papers from the Department of Foreign Affairs and on external consultants. Attendance at the Committees is patchy, given the constituency duties of Irish parliamentarians. There is some overlap and hence tension between the Committees on areas such as the CFSP. The terms of reference of the Committees allow the Foreign Affairs Committee to request a joint meeting with the European Affairs Committee on matters of common activity. The Committees have contributed to greater openness and accountability on foreign policy matters, meetings are usually held in public and successive ministers and officials have attended and given evidence. The Committees have also provided a focus for the attentive public in this domain. A small coterie of deputies and senators has become engaged in foreign policy matters. The Government White Paper concluded that these committees have 'significant powers and are important instruments for maintaining the democratic accountability of foreign policy in Ireland'.¹¹ The involvement of the European Affairs Committee in COSAC has also exposed Irish parliamentarians to practices in other Member States.

The regions

The Union has had an ambiguous impact on territorial politics in Ireland. The Commission's support for partnership as a principle of government began to loosen the highly centralised nature of Irish public policy-making and add a territorial and not just sectoral element to the operation of the Structural Funds. The management of the Structural Funds which was contained within the narrow confines of central government and the large state-sponsored bodies has evolved to include diffuse interests including local authorities, community groups, environmental groups and the social partners, all in search of a slice of the Brussels pie. EU monies created a new kind of politics which encouraged people to look both below and beyond the state. Access to EU monies gave community groups additional authority and leverage *vis-à-vis* central government; on the other hand, the availability of EU largesse reinforced clientelism, a central feature of the political culture.

In 1988 seven sub-regional review committees were established to oversee the operation of the Community Support Framework (CSF) in each of the eight regions. These were largely an administrative expedient which added a weak regional layer to the implementation of the CSF and thereby satisfied the Commission about the operation of the 'partnership principle' in Ireland. These were replaced in 1994 by eight Regional Authorities with the task of co-ordinating the provision of public services in each territorial unit. Provision for the authorities was made in the Local Government Act 1991. Each Regional Authority has an EU Operational Committee (OP) which operates alongside and partly within the

Authorities, sharing the same secretariat. The EU Operational Committees meet once each quarter. Whereas the committees established in 1989 were cosmetic in nature, they have gradually carved out a presence for themselves in the policy process. The OPs from the eight regions, operating together, have established the right to have two seats on the national Community Support Framework Monitoring Committee and two seats on each of the nine OP Monitoring Committees. The Regional Authorities have taken advantage of Community Initiatives to get funding for forty programmes in their regions. Institutionally, the Regional Authorities are positioned between the heavily resourced central and local governments and lack the formal attributes of public power, such as staff and significant budgets. There are only twenty-nine full-time members of staff working for the regional Authorities with a total budget of IEP 1.6 million per annum.

The future of the Regional Authorities depends on what is likely to happen *vis-à-vis* structural spending. Given Ireland's exceptional economic performance during the 1994–99 period, Ireland as a whole cannot continue to benefit from Objective One status of the Cohesion Funds and faces a drop in receipts from the Union's regional policies during the next financial period. As a consequence, the government formally took a decision to pursue an application to EUROSTAT, the Statistical Services of the Union, for a change in Ireland's status as a single region for the purposes of the structural funds.

The government decided to divide the country into two regions, one consisting of the current sub-regions of the West, Border, the Midlands and counties Clare and Kerry and the other consisting of the rest of the country. The intention was that the Western region would be eligible for Objective One status and the rest of the country would be in transition from Objective One. The reclassification of Ireland into two regions was dependent on a decision by EUROSTAT, which endorsed the division with some changes to the territorial reach of the regions proposed by the government. Two new regions have been established with responsibility for administering the regional dimension of Ireland's national plan from 2000 to 2006. It remains to be seen just how much autonomy the Department of Finance in Dublin will allow to the regions over the life of this plan.

The local dimension

The 1994–99 Community Support Framework placed particular emphasis on the regeneration of local communities, particularly urban and rural areas blighted by high levels of unemployment and social exclusion. The decision to emphasise the local dimension of development stemmed from an understanding that disadvantage and social exclusion had to be tackled at a local level within the urban and rural communities. It reflected and

promoted the explosion of community initiatives and innovation in Ireland in the 1990s. Local development initiatives followed the 'partnership model' promoted by the EU Commission throughout Europe. The approach was to empower local communities to tackle their problems and improve the quality of life. New institutional structures – Area-Based Partnerships and County Enterprise Boards – have been established. EU money was channeled through three sub-programmes:

- local enterprise;
- integrated development of disadvantaged areas;
- urban and village renewal.

The first sub-programme was implemented through thirty-five County Enterprise Boards which had a brief to support small and micro-businesses by financing feasibility studies and start-up grants. The aim was to engender a spirit of enterprise and entrepreneurship at local level. The second sub-programme is the responsibility of Area Development Management (ADM) Ltd. ADM Ltd. channeled financial support to area-based partnerships and community groups which were attempting to deal with social exclusion and long-term unemployment. In response to the initiative, thirty-eight partnerships were established in both urban and rural Ireland. In addition, thirty-two community groups benefited from the local development initiative. The Structural Funds were used to assist those communities making a collective effort to provide training, education and work experience for the long-term unemployed. The third sub-programme was designed to assist urban and village renewal in Ireland's cities, towns and villages. The evolving nature of the Union had an important impact on the willingness of the Irish public service to engage in experimentation and micro-social interventions.

Other actors

Given the reach of the Union's policy remit, interest groups in Ireland have been drawn into the Brussels arena and are active in trying to influence government policy in different EU sectors. The employers', trade unions and agricultural interest groups have privileged access to government through the system of social partnership. The Irish Business and Employers' Confederation (IBEC) is very active in EU policy and maintains an effective presence in Brussels with its office the Irish Business Bureau. The farming groups are also very active in Brussels with an office and easy access to the Irish Agricultural Ministry. The trade unions do not maintain an office in Brussels because of the cost implications but are active at national level and in the ETUC. All other interests active in Irish politics at national level have learnt to play the Brussels game, notably, the women's groups, environmentalists and the wider voluntary sector. The Irish Organisation for the Unemployed has developed a discernible

presence in Brussels. Irish interests have little difficulty in playing multi-level politics and are no longer focused only on the national government; it remains a key player for them, but only one of many.

Decision-making on the national level

Assessment of how decisions are made in Ireland on EU matters requires a distinction between routine day-to-day items of EU policy and the non-routine or 'high-politics' issues. With regard to the routine day-to-day decisions in the Brussels system, the Irish approach is characterised by considerable sectoral autonomy and delegation to the desk officer. Within each government department, EU business is delegated to the division dealing with the substantive area of policy at national level. Hence a distinction is not drawn between Irish company law and EC company law. The Company Law division of the Department of Enterprise, Trade and Employment deals with both. Each division is responsible for preparing and servicing each Council working party that falls within its domain and will be called on to provide briefing material for COREPER, other high-level groups or Ministerial Councils as the need arises. The linkages are largely internal to each department and their representatives in the Permanent Representation in Brussels. Cross-cutting issues that transcend departmental boundaries are led by the key department with ad hoc committees to manage the interdepartmental dimension of such issues. The underlying norm of the Irish system is that its officials must 'sing from the same hymn sheet' in Brussels and must consult across the system before going to Brussels: the Irish system is one of informal effectiveness.

The management of the 'big dossiers' differs from that pertaining to the routine decisions. In the case of the salient dossiers, the Irish system becomes highly formalised, centralised and hierarchical in that all actors up to and including the cabinet will be involved. Resources are directed towards tracking the negotiations at every phase and adapting strategy to suit the flow of the negotiations. The 1996 presidency, the IGC and the Agenda 2000 negotiations are all examples of issues that were treated as 'big dossiers' and handled in a 'hands-on' fashion. Agenda 2000 provides a useful illustration of how decisions are taken in Ireland. In 1997 an inter-departmental committee, chaired by Foreign Affairs, was established to co-ordinate the responses of the various departments to the Commission's proposals. This group did the ground work for the Group of Senior Officials (GSO) and the Ministers and Secretaries Group (MSG) during the latter half of 1997 and 1998. The Department of Foreign Affairs issued all instructions to Irish negotiators in all working groups and high-level groups dealing with Agenda 2000 and carefully tracked the domestic debate in all of the Member States through its embassies. The issues went to cabinet on numerous occasions during this period; the MSG met six times in 1997 and a further seven times in 1998. The Taoiseach, as head

of government, engaged in a series of bilateral visits to explain the Irish position at the end of 1998 and in the run-up to the Berlin Council. In December 1998, the Taoiseach established an Expert Technical Group (ETG) consisting of the key officials in the Departments of Foreign Affairs, Finance, Enterprise, Trade and Employment, and Agriculture. This group met seven times in the lead-up to Berlin. The role of the Department of Foreign Affairs was to ensure consistency and coherence in the Irish position and to track what was happening in the other Member States. The Department of Finance took the lead on the Structural Funds and Agriculture fought to defend the gains of the 1992 MacSharry reform of the CAP. The Irish managed the negotiations in a sequential manner and did not attempt to trade off Structural Funds against agriculture. Rather, it took whatever deal was on offer at any one time and went on to handle the next phase of the negotiations. Given Ireland's changing position in the Union, those involved in the negotiations felt that they had got a very good deal, especially on agriculture.

Co-ordination

The operating principle of the 'lead department' does not obviate the need for co-ordination in the Irish system. The autonomy of individual departments breaks down when an issue has implications for a number of government departments or has no obvious home in the domestic administration. For example, environmental taxes clearly involves Environment, Finance, and Enterprise and Employment, and views are likely to differ across these departments on the merits of such taxes. Hence processes are needed to deal with issues that cross-sectoral or interdepartmental boundaries. Co-ordination is also necessary to ensure coherence in national policy in relation to the 'history-making decisions' or the 'big dossiers', as discussed above. Co-ordination is achieved at the apex of the Irish system by the cabinet, which is responsible for the broad thrust of public policy. The Irish cabinet system is not buttressed by an extensive committee system. At an administrative level, day-to-day co-ordination is the responsibility of the Economics Division of the Department of Foreign Affairs which has a watching brief over all EU policies. The division is responsible for co-ordinating briefs for the General Affairs Council, the main co-ordinating council in the EU system and 'A points' for other Councils. It also had primary responsibility for the interdepartmental European Communities Committee which was chaired by the Assistant Secretary responsible for the Economics Division. This Committee was ultimately replaced in March 1987 by a successor committee chaired by the Minister of State for European Affairs, Maire Geoghegan-Quinn attached to the Taoiseach's Department. The committee was essentially a committee of senior civil servants with a political chair, which met monthly and was responsible for the co-ordination of Ireland's approach to the strategic

aspects of Community business at this time. In 1989, this committee became a planning committee, responsible for organisational and logistical functions, for the 1990 Irish Presidency. Its policy co-ordination functions were superseded by a Ministerial Group for the Presidency established by the then Taoiseach, Mr Charles Haughey. Mr Haughey also established an MSG to co-ordinate the preparation of the National Plan for Delors I and to negotiate the CSF. This committee represented an institutional innovation by bringing together key cabinet ministers and senior officials. Once the Presidency was over, there was no standing mechanism for co-ordination at either ministerial or senior official level other than ad hoc co-ordination groups working on the IGCs and related dossiers. In 1992, the Taoiseach Albert Reynolds re-established the Committee, this time under the chairmanship of Minister of State, Tom Kitt, as the so-called Kitt Committee. This format has since been superseded by the MSG which took over responsibility for the preparations of the Irish Presidency in 1994–95. Notwithstanding changes in the committee structure in central government, the MSG appears to have become a permanent feature in the political/administrative landscape. The MSG is serviced by a GSO who prepare the papers which form the core of its deliberations. The Committee meets on average once a month but has no pre-ordained cycle of meetings. There are also a number of inter-departmental groups on such issues as Agenda 2000 and comitology, among others. The Irish system of interdepartmental co-ordination differs from the other Member States in being less institutionalised and less stable, although the Ministers and Secretaries format appears to have become institutionalised (Table 10.3).

Table 10.3 Evolution of co-ordination mechanisms in the Irish central administration, 1973–94

European Communities Committee (1973–87)
Chair and Secretariat: Assistant Secretary DFA/DFA Secretariat
European Communities Committee (1987–90)
Chair and Secretariat: Minister of State for European Affairs/Taoiseach's Department
Ministers and Secretaries Group (1988–90)
Chair: Taoiseach Department
European Communities Committee (1992–94)
Chair: Taoiseach's Department
Ministers and Secretaries Group (since 1994)
Group of Senior Officials (since 1994)

The Permanent Representation

A central feature of organising for Brussels is the role of the Permanent Representation Centre. The Representation is the control centre for Ireland's formal dealings with the Union's policy process. The Irish Centre consists of civil servants drawn from the Department of Foreign Affairs and all of the home departments dealing with Brussels. As the tentacles of EU policy spread, so too has the staffing of the Representation which draws its staff from a wide range of home departments. The Permanent Representative and his Deputy are career diplomats, who in addition to managing the internal running of the Representation, are Ireland's representatives on COREPER I and II. Since 1973, Ireland has had five Permanent Representatives in Brussels and a number of those have served also as deputies in the Representation. At present Foreign Affairs has twelve staff in Brussels: Finance (three), Enterprise and Employment (three), Transport, Energy and Communications (three), Tourism and Trade (two), Agriculture (two), Revenue Commissioners (two) Health (one), Social Welfare (one), Environment (one), Marine (one) and Justice (one). There are thirty-two administrators, in contrast to twenty-two in 1978. Apart from Luxembourg, with seven, Ireland has the smallest Representation (Table 10.4).

Although formally the pathway for information and instructions from Dublin to Brussels should pass through the Department of Foreign Affairs, the domestic civil servants in Brussels tend to deal directly with their home departments, while keeping Foreign Affairs informed. Civil servants at the Representation exercise a Janus-like role between the Union and the domestic 'faces'. They are primarily responsible for ensuring that Irish interests and preferences are put forward in the policy process but they are also a critical source of intelligence on the attitudes of the other Member States and on the flow of negotiations. They are well placed to advise Dublin when a deal looks like coming to fruition and when concessions must be made. The Representation is also the 'early-warning' nucleus of the system. Officials in the Representation Centre must establish good working relations with the Irish Cabinet, Commission services, other representations and the Council Secretariat because such relations are the lifeblood of successful negotiations. The Permanent Representative returns to Dublin for meetings of the MSG and their advice would carry considerable weight in the development of Ireland's negotiating strategies.

Relations with the Commission and the EP

As a small state, the Irish have traditionally regarded the Commission as an ally. It is seen as an institution that has an obligation to take the interests of all states into account and to balance the demands of the larger and more powerful states. As a result, the retention of an Irish Commissioner

Table 10.4 The Irish Permanent Representation, 1967–97

<i>Year</i>	<i>Head of mission</i>	<i>Deputy Permanent Representative</i>	<i>Counsellor</i>	<i>First Secretary</i>	<i>Third Secretary</i>
1967	1		3		1
1968	1		3		1
1969	1		3		1
1970	1		3		1
1971	1		3	3	
1973	1		7	7	
1974	1		7	12	1
1975	1	1	7	14	1
1976	1	1	7	14	
1977	1	1	7	12	
1978	1	1	7	12	
1979	1	1	7	14	1
1980	1	1	7	14	
1981	1	1	7	13	2
1982	1	1	8	12	2
1983	1	1	8	12	2
1984	1	1	8	12	2
1985	1	1	8	12	2
1986	1	1	8	10	2
1988	1	1	8	8	
1989	1	1			
1990	1	1			
1991	1	1	9	10	2
1992	1	1	10	11	2
1993/94	1	1	9	10	2
1995/96	1	1	8	15	1
1997	1	1	8	16	2

Source: State Directory, Annual, Government of Ireland.

is regarded as a core aspect of policy on the institutional development of the Union. With regard to the services of the Commission, the Irish Administration has developed very close links with the spending directorates because of their involvement in the national monitoring committees for the Structural Funds and with DG6 – Agriculture. All departments with responsibility for EU policy have bilateral dealings with the Commission and these tend to be relatively free of conflict, although tensions have arisen in the state aids sector with DG4. Relations with the EP are far less intensive. Successive Irish Presidencies have accorded considerable importance to maintaining close links with the EP during the period of the Presidency but this has not translated into the building of close links at an official level. There are systems in place to brief Irish MEPs, but little tracking of the activities of EP committees.

Judicial control of EC law

The transposition of EC law into Irish law is usually by means of Statutory Instrument or secondary legislation. Primary law is used only for major changes in legislation required by EU membership. Between membership in 1973 and 1996, 956 statutory instruments were enacted under the 1972 European Communities Act; 1994 was the year with the highest number of statutory instruments with a total of eighty-nine (Table 10.5). In 1994 the use of statutory instruments was challenged in the Supreme Court (*Meagher v. Minister for Agriculture*) when the plaintiff challenged the validity of a Statutory Instrument which had repealed an Irish statute. The Supreme Court found that the sheer number of EC directives necessitated the use of statutory instruments even when statutes of the Oireachtas would be repealed. This issue was examined by the Review Group on the Constitution in its 1996 Report. It considered that the extensive use of Statutory Instruments contributed to an ‘information deficit’ and possibly a ‘democratic deficit’. It argued that ‘the use of statutory instruments ensures speedy and effective implementation of EC law but often at the expense of the publicity and debate which attends the processing of legislation through the Oireachtas’.¹²

Table 10.5 The use of Statutory Instruments in Ireland, 1973–96

<i>Years</i>	<i>No. of Statutory Instruments</i>
1973–77	111
1978–82	180
1983–87	152
1988–92	229
1993–96	284
Total	956

Source: Developments in the European Communities, 1974–1996.

In the period 1993–97, the ECJ gave judgements in five cases that had been referred to it for a preliminary ruling. Of these, two cases were sent by the Supreme Court, two by the High Court and one by the Dublin District Court. Two cases dealing with the milk super-levy were taken by individual farmers and the Irish Farmers’ Association. There were two commercial cases dealing with export refunds and the definition of a ‘maintenance creditor’ and the final case related to the impounding of a aircraft owned by the Federal Republic of Yugoslavia arising from the sanctions against that state. None of the cases involved major issues of constitutional law.

Conclusions

The TEU did not represent a dramatic 'Europeanisation' of the Irish political system. Rather it represented an additional layer to the Union's constitutional fabric which in turn further enmeshed the national in the European and the European in the national. It was another step in the deepening relationship between the young Irish state and the evolving Union. The expansion in the scope of the Union – EMU, pillar three – marked a further deepening and widening of the reach of the Union into national policy-making and politics. There is clear evidence of a linear progression in the expansion of the policy scope of the Union with the evolution from market to money in the TEU. The Danish 'no' may be evidence of the 'pendulum' in action but it had little impact on the attitude of the Irish Government and senior policy-makers. Their commitment to membership of EMU in the first wave never wavered despite the prospect of the United Kingdom remaining outside. The underlying commitment to membership as the best shelter for the Irish state and economy is deeply embedded in the attitudes of senior policy-makers. This is not to say that they wish to be subsumed in a European federal state. They want to maintain as much autonomy at national level within the constraints of an integrating market and continue to have a clear sense of 'Ireland Inc.'. There is an ongoing concern to ensure that policy regimes developed at EU level suit Irish needs and the Irish model of economic development. There is no desire to import the continent's high social costs and high levels of corporate taxation. Thus while in the past the Irish may have argued for 'more Europe', this may well change as Ireland's re-positions itself in the EU system as a more prosperous state and society.

Perspectives for the future

Ireland is at a cross-roads in its relationship with the Union as it moves from its status as a peripheral state to one with a successful model of economic development. Ireland benefited greatly from the single market in two ways. First, as an export-driven economy, a level playing field and open markets are in Ireland's interests. Second, Ireland seemed to attract a disproportionate amount of the flow of US capital into Europe as a consequence of the '1992' programme. Ireland was able to benefit from both these developments because it had in place a system of social partnership that kept the economy competitive in this phase of integration. Given the speed and newness of Irish convergence, there is still uncertainty among the state elite about the sustainability of economic growth and the future prospects of the Irish economy. On the one hand, all of the indicators point to continuing growth, albeit at a lower level, and unemployment levels at or below 3 per cent. On the other hand, decades of

relative economic failure are difficult to overcome. Irish politicians and policy-makers are going through a period of reflection about Ireland's future place in the Union and the kind of Union that will suit Ireland. Although this is a challenging period of Ireland's relations with the Union, it is happening in a far more benign environment than the early 1980s when Ireland was facing failure on all fronts.

Notes

- 1 See Richard Sinnot, 'Knowledge of the European Union. Irish Public Opinion Sources and Implications', Occasional Paper, 5 (Dublin: Institute of European Affairs, 1995), p. 34.
- 2 See Ireland, *Government Programme* (Dublin 1994).
- 3 See Ireland, *Government Programme* (Dublin 1997).
- 4 See 'Ireland in the European Community. Performance, Prospects and Strategy', Report No. 88 (Dublin, National Economic and Social Council, 1989), p. 218.
- 5 See Ireland, *A Government of Renewal* (Dublin, December 1994).
- 6 See Irish Parliament: *Dail Debates*, 3 June 1992, p. 1356.
- 7 See Irish Parliament: *Dail Debates*, 3 June 1992, p. 1356.
- 8 See Irish Parliament: *Dail Debates*, 3 June 1992, p. 1357.
- 9 See Irish Parliament: *Dail Debates*, 28 April 1993, pp. 1641–1642.
- 10 See Ireland, *European Affairs Committee, Terms of Reference* (Dublin, 1997).
- 11 See Ireland, 'Challenges and Opportunities Abroad': *White Paper on Foreign Policy* (Dublin: Stationery Office, 1996), p. 333.
- 12 See Constitutional Review Group, *Report of the Constitution Review Group* (Dublin: Stationery Office 1996).

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