



**Organising for EU Enlargement**

A challenge for member states and candidate countries

**MANAGING EUROPE FROM HOME**

The Europeanisation of the Irish Core Executive

OEUE PHASE I

Occasional Paper 1.1 – 09.03

Brigid Laffan  
Jane O'Mahony

Dublin European Institute  
University College Dublin



FIFTH FRAMEWORK PROGRAMME



Dublin European Institute  
A Jean Monnet Centre of Excellence



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## **ORGANISING FOR EU ENLARGEMENT:**

Challenge for the Member States and the Candidate Countries

The Dublin European Institute, University College Dublin,<sup>1</sup> was awarded, in 2001, a research contract under the EU's Fifth Framework Programme<sup>2</sup> to carry out a comparative study of the impact of the EU on the structures and processes of public policy in six small countries: **Ireland, Greece, Finland, Estonia, Hungary** and **Slovenia**. The Project's partnership, under the direction of Professor Brigid Laffan, Dublin European Institute, University College Dublin<sup>3</sup>, includes: Professor Dr. Wolfgang Drechsler, University of Tartu; Professor Teija Tiilkainen, University of Helsinki; Professor Calliope Spanou, University of Athens; Professor Attila Ágh, Budapest University of Economic Sciences and Public Administration; and Professor Danica Fink-Hafner, University of Ljubljana.

The aim of the research project was to deepen our understanding of the processes of Europeanisation in a number of the existing member states and some of the candidate states.

The research project encompassed the following three objectives:

- The conduct of research which offers immediate policy relevance to key stakeholders in the enlarging Union;
- The conduct comparative, theoretical and empirical research on the management of EU public policy making in three existing member states – Ireland, Greece and Finland – and three candidate states – Estonia, Hungary and Slovenia;
- The shedding light on the capacity of smaller states to adjust and to adapt to the increasing demands of Europeanisation on their systems of public policy-making and thus to identify the barriers to effective, efficient and accountable management of EU business.

### **Research Strategy**

The research design consisted of two phases and within each phase, two levels of analysis.

**Phase I** analysed the management of EU business at the macro level of the core executive and was complemented by a micro case study of a recent policy negotiation using decision analysis.

**Phase II** of the research broadened the analytical focus to encompass other levels of government – the EU and sub-state – through multi-levelled governance. Here attention was centred upon the emergence of policy networks and the interaction between public actors and the wider civil society in specific, discrete policy sectors.

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<sup>1</sup> National University of Ireland, Dublin (University College Dublin).

<sup>2</sup> European Commission, Community Research Fifth Framework Programme (Socio-Economic Research)

<sup>3</sup> This project forms part of the Governance Research Programme, Institute for the Study of Social Change, University College Dublin, [www.ucd.ie/issc/](http://www.ucd.ie/issc/) and [www.ucd.ie/govern/intex.htm](http://www.ucd.ie/govern/intex.htm).

### **Methodology**

The study employed two specific methodologies: historical institutionalism and rational institutionalism in a new and innovative fashion. The use of combined perspectives provided a theoretically innovative and new approach to the study of the Europeanisation process. Both approaches could be used as they were applied to different elements of the empirical research.

### **Academic and Policy Implications**

This study's findings provide insight into the manner in which diverse state traditions, institutions and political and administrative cultures influence national adaptation to EU governance and how the interface between national policy processes and the Brussels arena is managed. It is expected that these findings will assist those making and managing policy, thus facilitating adjustments to the changing European Union while also contributing to the growing academic debate on Europeanisation.

At various stages during the course of this project the research findings and analysis were presented to a range of stakeholders and academics to facilitate feedback and enhance the analytical process. Further details about the Organising for EU Enlargement (OEUE) project are available on the project web site [www.oeue.net](http://www.oeue.net), along with i) the Project Report, ii) the OEUE Occasional Papers and iii) a selection of papers by the research partners which draw on various aspects their project research.

## **AUTHORS**

### **Brigid Laffan**

Professor Brigid Laffan is the Director and Academic Co-ordinator for the European Commission funded Fifth Framework project *Organising for EU Enlargement – A challenge for member states and candidate countries*.

Since 1991, Brigid Laffan has been Jean Monnet Professor of European Politics at University College Dublin, where she is the Director of the Dublin European Institute. Her experience of EU public policy and the public sector stems from both academic research and an involvement with programmes run by the College of Europe in Brugge, the Dutch Clingendael Institute and the Institute of Public Administration, Dublin. In 2002 Professor Laffan was awarded the Government of Ireland Senior Fellowship in Humanities and Social Sciences.

Among Professor Laffan's recent publications are 'Auditing and Accountability in the European Union', *European Journal of Public Policy*, 10:5, 2003; with Diane Payne, 'The EU in the Domestic: INTERREG III and the Good Friday Institutions', *Irish Political Studies*, 17:1, 2002; 'Ireland: Modernisation via Europeanisation', in Wessels, W., A. Mauer and J. Mittag, *Fifteen into one? The European Union and its member states* (Manchester: Manchester University Press). *Organising for a Changing Europe: Irish Central Government and the European Union* (Dublin: The Policy Institute, Trinity College 2001); and *Europe's Experimental Union: Rethinking Integration* with Rory O'Donnell and Mike Smith (London: Routledge, 1999).

### **Jane O'Mahony**

Jane O'Mahony is a research fellow with the Dublin European Institute, University College Dublin and is the principal researcher on Ireland for the *Organising for EU Enlargement* project.

A graduate of University College Cork Jane O'Mahony completed the PhD Programme in Political Science at Trinity College Dublin in 2003. The title of her dissertation is entitled 'The EU Policy Process. Policy Making in the Community Pillar'. Dr. O'Mahony has written on Ireland's membership of the European Union<sup>4</sup> and the European policy process while her research interests extend to include EU environmental and regional policy.

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<sup>4</sup> O'Mahony, Jane (2004), 'Ireland and the European Union' in Neil Collins and Terry Cradden (eds.) *Political Issues in Ireland Today* (Manchester: Manchester University Press).



**ABSTRACT**

The Europeanisation of the Irish core executive was evident in the expansion of EU related business across the governmental system. The key characteristics of how European business was managed in Ireland were strong ministerial autonomy, a foreign ministry led system but a growing role for the prime minister, traditionally weak processes of inter-ministerial coordination and a weakly institutional committee system. The process was animated by a small EU cadre that was both collegiate and cohesive with a strong sense of promoting and defending Ireland's interests. This system of flexible adaptation served Ireland well but was faced with a major challenge following the defeat of the Nice Treaty referendum in June 2001. This was a critical juncture in Ireland's relations with the Union and led to considerable internal appraisal of how European affairs were managed. There was a significant formalisation of the Irish system and the establishment of new processes and rules for managing relations between the core executive and the Irish parliament.



## INTRODUCTION

In this paper we examine the impact of European Union (EU)<sup>5</sup> membership on the Irish central governmental and administrative system – the core executive. This research forms part of the burgeoning interest in what is called Europeanisation, a notion that began to gain considerable currency in the 1990s. The literature on Europeanisation grapples with the impact of the EU on the national and the national on the EU. It is a complex and multidimensional process resulting from membership of the European Union or from close co-operation with the Union that touches on the policy, politics and polities of every member and candidate state (Ladrech 1994; Goetz 2001; Radaelli 2000). We begin from the premise that the dynamic of involvement in and with the EU creates a challenge to national, political and administrative systems. Domestic public policy making is no longer confined within the structures and processes of national government given the significance of the additional arena created by the European Union. The EU gives rise to interdependent policy processes across levels of government. This study seeks to map and analyse the adaptation and change of the Irish core executive to European Union membership.

The notion of the core executive was developed in research on central government in the UK (Rhodes 2000, Vols. 1 and 2). It was designed to capture not just the formal structures - cabinet and ministries - but the roles, networks and informal processes that form the heart of government. According to Dunleavy and Rhodes, the core executive 'includes all those organizations and structures which primarily serve to pull together and integrate central government policies, or act as final arbiters within the executive of conflicts between different elements of the government machine' (Dunleavy and Rhodes 1990: 4). For the purposes of this study, the key relationships examined with regard to the Irish core executive include those between the political and administrative levels, that is the Taoiseach (Prime Minister), ministers and the Cabinet, senior civil servants and the operational administration, and the core executive and the wider political system, most notably relations with parliament (through parliamentary committees).

The analysis of the Irish core executive's adaptation to EU membership is undertaken from an institutionalist perspective, in particular using historical institutionalism. With historical institutionalism, attention is paid to the configuration of political order around formal institutions, organisations, norms, rules, roles and practices which frame the conduct and strategies of actors over time (Thelen and Steinmo 1992: 2). Three levels of the institutional field are analysed: the structural, process and agent components. The *structural component* maps the organizations and structures that form the core executive in Ireland and the key relationships in the management of EU affairs over time. The *process component* examines pathways for EU related information through the Irish domestic system and the codes, rules, guidelines that govern the handling of EU business over time. The *agent component* tracks the

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<sup>5</sup> In 1987, the European Economic Community (EEC) became known as the European Community (EC). Following the ratification of the Treaty on European Union, the EC was renamed the European Union (EU). For the sake of consistency, the term EU will be used throughout this study to refer to the EEC, EC and EU.

cadre of officials who are primarily responsible for mediating between the EU and the national levels. The dynamic of change is path-dependent; once created, institutions may prove difficult and costly to change. Change, when it does occur, is in response to what is termed 'critical junctures' (Ikenberry 1998: 16). Change may result from factors or processes exogenous to the institutional system such as an external crisis or may be more incremental as a result of forces internal to the system (Pierson 2000a, 2000b; Scott 2001).

### **The Core Executive in Ireland**

The Irish core executive and system of government has been categorized as a variant of the Westminster model with one important difference – a written constitution (See Gallagher, Laver, Mair 2001). The key convention of the Westminster model – collective responsibility – lies at the heart of the Irish Constitution (Article 28.4.2). The Constitution vests political authority in the Government, which meets in Cabinet. The Irish core executive consists of the Prime Minister, the Government, ministries known as departments (corresponding to all main areas of policy), and the civil or administrative service. The 1937 Constitution places the Taoiseach (Prime Minister) in a powerful position as the head of the government as he/she nominates ministers, decides on the distribution of responsibilities among ministers and can sack them. If the Taoiseach resigns, the government falls. In addition to the Taoiseach's structural position in the constitution, the Taoiseach controls the Cabinet agenda, is the head of a political party and has won an electoral mandate to hold office. Traditionally the debate on the role of the Irish prime minister has evolved around the notions of chairman or chief, which can be translated into the contemporary debate on cabinet or prime ministerial government (Farrell 1971; Smith 2000: 33). Given the convention of collective responsibility, which is deeply ingrained in the theory and practice of Irish government, the role of Taoiseach is more than that of chairman but is not so dominant as to warrant the title of prime ministerial government.

Ministers are charged with setting the policy parameters of their departments and with making all policy (rather than administrative) decisions. The responsibility of the minister for all of the activities of his/her portfolio known as 'ministerial responsibility' is the second constitutional convention that influences how Irish Government operates. The minister takes decisions, but civil servants have always played a key role in the detailed development and implementation of policy in Ireland. The culture and structure of the Irish civil service bear a number of similarities to that of Britain. Gallagher, Laver and Mair have characterised the British civil service as 'generalist' as opposed to 'specialist' (Gallagher, Laver and Mair 2001: 138). This type of bureaucracy is characterised by a heavy reliance on civil servants who are selected and work on the basis of general administrative and managerial skills, as opposed to possessing any particular technical expertise. As in Britain, the official Irish civil service culture is non-partisan. Officials are servants of the incumbent Government rather than political appointees and are barred from political activity.

### **Origins, Development and Change in the Management of EU Issues**

Four periods of development and change have had an impact on how Ireland's management of EU business evolved. These were the formative period from the end of the 1950s to accession in 1972, the first three years of membership 1973-1975, and the period 1988 to 1990 when the resurgence of formal integration became evident. The 'No' to the Nice Treaty referendum in 2001 triggered a further period of review and evaluation that is continuing. Ireland's approach to the management of its engagement with the European Union was established in the latter half of the 1950s as its policy makers sought to chart its external policy in the light of significant changes and institution building in Western Europe.

From the outset, the mapping of Ireland's European policy and the management of EU business was cross-cutting in nature involving as it did a core of key senior officials from the main government departments.<sup>6</sup> Moreover, the EU was not a matter of foreign policy although the external dimension of the Union was clearly acknowledged. A striking feature of this period was the limited role played by the Irish Foreign Minister, Mr. Frank Aiken, who had little to do with the development of Ireland's approach for managing EU issues. The Taoiseach, senior domestic ministers and a small group of senior civil servants played the key role in charting Ireland's relationship with the system. The Committee of Secretaries provided the forum for inter-ministerial discussion on the key issues and the Cabinet agreed the political framework within which the relationship would evolve. The development of Ireland's European policy received sustained political and administrative attention throughout the late 1950s and 1960s.

The period between January 1973 and the end of Ireland's first Presidency in December 1975 were Ireland's apprenticeship in the EU system. During this period the Irish Governmental system put in place structures and processes for managing the relationship with Brussels. The key features of the system are identified in Box 1.

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<sup>6</sup> The Departments of Finance, Industry and Commerce, Agriculture and External Affairs.

**Box 1: Key Features of the Irish system for the management of EU business**

- Responsibility for day-to-day coordination on EU matters was assigned to the Department of Foreign Affairs (DFA) (and not Department of Finance as had been the case in accession negotiations). (DFA Circular CH/177/35)
- Department of Finance continued to play important role, as any EU proposals with potential cost to Irish Exchequer required its prior approval.
- The principle of the responsibility of the 'lead department' was firmly established. Individual departments were responsible from the outset for coordinating preparations for Council meetings falling within their policy domain.
- An ethos of consultation of 'all interested' departments was created.
- Processes and guidelines were established for the writing of reports and the circulation of EU documents throughout the administration and to the Oireachtas Joint Committee on Secondary Legislation.
- Interdepartmental European Communities Committee was established (consisting of senior officials from key Government departments) and was chaired by Department of Foreign Affairs.
- Cabinet was responsible for the broad political direction of Ireland's engagement with the Union.

Overall, there was very little institution building in the form of new structures, rather there was a reliance on the adaptation of existing structures within the broad parameters of collective responsibility and ministerial responsibility. The Irish administration faced the challenge of adapting to the Brussels system with limited human resources. There was a relatively small increase in full time non-industrial civil servants as a result of EU membership.<sup>7</sup> The preparations for the 1975 Presidency were critical to Ireland's adjustment to EU membership as the demands of running a Presidency ensured that departmental responsibility for different policy areas was clearly delineated and management of Council business meant that ministers and officials became familiar with the nuts and bolts of the Union's policy process. Indeed, the experience of the Presidency had an important effect on the psychological environment of national policy makers: thereafter, the Union became an accepted albeit complicating factor in national decision making.

The third important period in the development of Ireland's approach to EU matters was between 1987 and 1990 – marked by the signature of the Single European Act (SEA), the negotiation of the Delors I package and the 1990 Presidency. The referendum on the SEA, the work arising from the single market programme and the negotiations and implementation of the first national development plan placed new demands on the Irish Government and central administration. These events coincided with a new Government and a Taoiseach, Mr. Charles Haughey, who

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<sup>7</sup> In 1980, it was estimated that a total of 1391 new posts had been created to manage the work arising from EU membership. The total Civil Service complement in that year was 53,822.

adopted a strong leadership role in Cabinet when he took over in February 1987. His administration made three important changes:

- European Communities Committee (Interdepartmental) transferred to Taoiseach's Department and chaired by new Minister of State for European Affairs.
- the establishment of the High Level Committee of Ministers and Secretaries<sup>8</sup> set up. This Committee met once a week in the period leading up to Ireland's submission of National Development Plan in March 1989 and was also active in the preparations for the 1990 EC Presidency.
- Establishment of seven regions in 1988 in response to Commission demands for consultation and partnership in planning and implementation of National Development Plan.

The fourth period of significant review and evaluation of how EU business is handled occurred as a result of the deep shock to the Irish system following the 'No' to the Nice Treaty in the first referendum in June 2001<sup>9</sup>. Prior to this event, Ireland managed to portray itself as a constructive player in the Union with a relatively *communautaire* approach in general. Successive governments could pursue their European policies in a benign domestic environment. The 'No' to Nice and the low turnout in the referendum (34 per cent) of the electorate highlighted the fact that the Government could no longer take its voters for granted. Ireland's European policy was loose of its moorings, which in turn led to considerable soul searching at official and political level of how EU business was managed and how Europe was communicated at national level. Ireland's core executive reached a critical juncture in its management of EU business and a number of key structural and procedural reforms were set in train as a response (most notably the 'ratcheting-up' of interdepartmental coordination and enhanced Parliamentary scrutiny).

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<sup>8</sup> Secretaries General of Government Departments/Ministries.

<sup>9</sup> The first referendum was held on 7 June 2001 and the turnout was 34.79 per cent, No 53.87 per cent and Yes 46.13 per cent. The second referendum was held on 18 October 2002 and the turnout was 49.47 per cent, Yes 62.89 per cent and No 37.11 per cent.

Discussion and analysis of the referendums and the results are to be found in the following:

**First referendum**

Hayward, Katy (2002), 'Not a Nice Surprise: An Analysis of the Debate Surrounding the 2001 Referendum on the

Treaty of Nice', *Irish Studies in International Affairs*. 13: 167-186.

O'Mahony, Jane (2002), 'Ireland at the European Crossroads', *Österreichisches Jahrbuch für Internationale Politik*. Braumüller: Vienna.

Sinnott, Richard (2002), *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice*. Public Opinion and Political Behaviour Research Programme. [Europa.eu.int/comm./public\\_opinion/flash/fl108\\_en.pdf](http://Europa.eu.int/comm./public_opinion/flash/fl108_en.pdf)

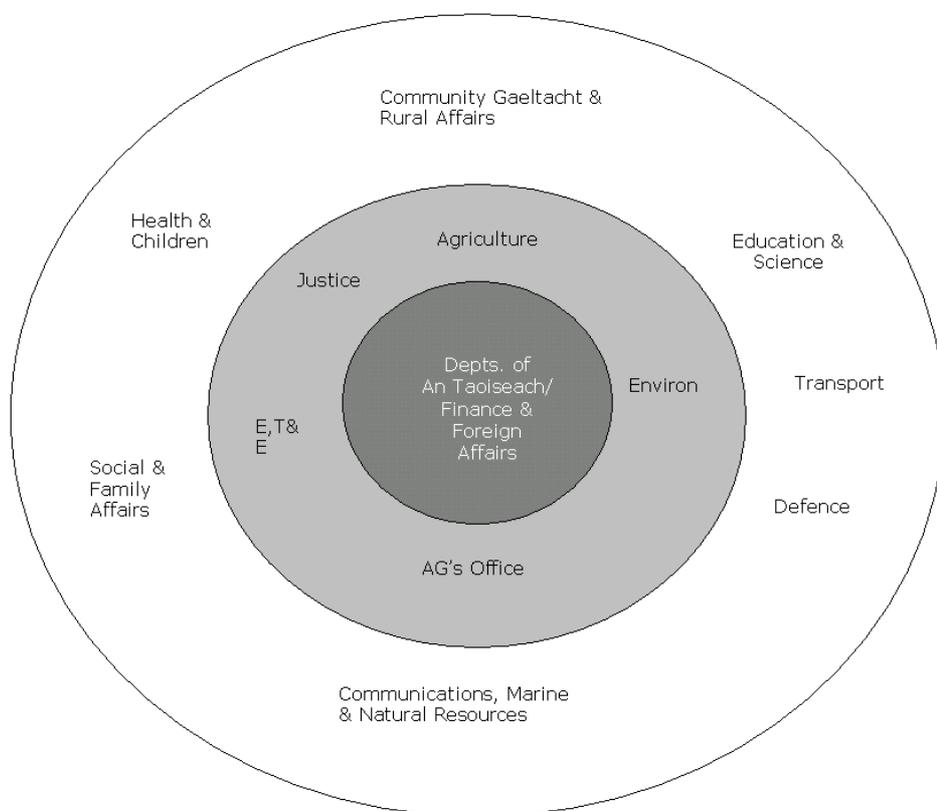
**Second referendum**

Laffan, Brigid (2002), 'Brigid Laffan on the Yes to Nice campaign', in Michael Marsh (ed.), *The Sunday Tribune Guide to Politics 2003*, (Dublin: Tribune Publications Ltd).

Sinnott, Richard (2003), *Attitudes and behaviour to the Irish Electorate in the second referendum on the Treaty of Nice*. Public Opinion and Political Behaviour Research Programme, Institute for the Study of Social Change, University College Dublin.

<b>Table 1. Key Dates in Ireland's Membership of European Union</b>		
1956	October, 11	Committee of Secretaries established to initially consider Ireland's position in context of relations between EEC and OEEC
1959	December	Diplomatic relations established with the EEC
1961	July, 31	Ireland's application to join EEC sent to Council
1963	January	Breakdown of negotiations with UK, Denmark, Ireland and Norway on EEC membership
1966	January	Irish Government decision to accredit a separate diplomatic mission to the European Communities
1967	May	Second application for EEC membership
1970	June, 30	Formal opening of accession negotiations
1972	January	Taoiseach Jack Lynch and Minister for Foreign Affairs PJ Hillery sign instruments of accession
1972	May	Referendum on membership (83 per cent in favour, 17 per cent against)
1975	First six months	Ireland holds EC Presidency for the first time
1984	Second six months	Ireland holds EC Presidency
1987		Number of significant changes made by Taoiseach Charles Haughey in how EC business is dealt with
1987	May	Ratification of Single European Act (69.9 per cent in favour, 30.1 per cent against)
1990	First six months	Ireland holds EC Presidency
1992	June	Ratification of Maastricht Treaty (69.1 per cent in favour, 30.9 per cent against)
1996	Second six months	Ireland holds EU Presidency
1998	May	Ratification of Amsterdam Treaty (61.7 per cent in favour, 38.3 per cent against)
2001	June	Referendum on Nice Treaty (46.1 per cent in favour, 53.9 per cent against, failure to ratify treaty)
2002	October	Ratification of Nice Treaty (63 per cent in favour, 37 per cent against)
2004	First six months	Ireland holds EU Presidency

## I STRUCTURES



**Figure 1:** The Irish Core Executive 2003

The structures of the Irish core executive<sup>10</sup> that deal with EU business include: the ministries, committees and designated units with responsibility for managing EU affairs. Given the reach of EU policies on national policy making, every department and office in the Irish core executive system is required to deal with the European Union in some way. The extent of interaction and need to manage EU business depends primarily on the degree of Europeanisation found in the respective policy domains of each office and department. It is possible to place the Irish core executive's management system for EU business on three distinct degrees of engagement based on this criterion: the core-core, the inner core and the outer circle.

The salience of the EU in the particular policy area determines the response of the individual departments in setting up structures to deal with the flow of EU business. Looking at Figure 1

<sup>10</sup> The material that forms the basis of the following analysis was gathered from detailed analysis of documentary evidence (including strategy statements from government departments) and two extensive series of structured interviews with those involved in managing Ireland's EU affairs. The first round of interviews (47 in total) was conducted by Professor Brigid Laffan as part of the research carried out between 1999 and 2000 for *Organising for a Changing Europe: Irish Central Government and the European Union*, published in 2001. The second round of interviews was conducted in the first half of 2002. Thirty structured interviews were conducted and interviewees for this stage of the project included civil servants drawn from most departments throughout the Irish system, and included representatives from the political and parliamentary arenas.

above, we see that three over-arching ministries – Taoiseach, Foreign Affairs and Finance - deal with the overall coordination of Irish EU policy and are the central structural nodes through which Ireland's overall EU strategy must pass through at varying stages. These three departments have been referred to as the 'holy trinity' of Ireland's management of EU business (Laffan 2001) and can be characterised as the core-core. At the second degree of engagement, or the inner core, EU policies are central or increasingly central to the work undertaken by the Departments of Agriculture, Justice, Enterprise, Trade & Employment (E,T&E) and the Environment. While the volume of EU legislation to be transmuted into domestic law has not increased significantly in recent years, the Office of the Attorney General, who advises the Government in matters of law and legal opinion, is included in the inner core. For example, as EU competence has grown in the area of Justice and Home Affairs (referred to by one interviewee for this study as a 'growth industry'), this has necessitated more hands-on involvement by this office in the formulation, coordination and monitoring of legislation dealing with this area. For the departments in the outer circle of core-executive management (following the reconfiguration of departments as of June 2002), i.e. Arts, Sport and Tourism; Community, Rural and Gaeltacht Affairs; Defence; Health and Children; Education and Science; Communication, Marine and Natural Resources; Transport; Social and Family Affairs, coordinating and managing national policy remains the over-arching concern. However, each of these departments, to varying degrees, deal with a certain amount of EU business, in particular as the new mode of governance, the 'open method of coordination', is becoming more prevalent in the EU.

### **Taoiseach's Department**

The Taoiseach's Department, while small in size compared to other government departments, is central to the conduct of EU business as it serves as the secretariat to the Prime Minister or Taoiseach. The role of the Taoiseach's Department in the conduct of EU business has been considerably enhanced in recent years to the extent that it is considered as one of the two 'EU coordinating departments' (Interview 62, 26.03.02). The direct involvement of the Taoiseach in EU business, as with every other head of Government in the European Union, was enhanced by the establishment of the European Council in 1975 and in particular after the negotiation and signature of the Single European Act in 1986 when it was recognised as an independent European Community institution. Indeed, this concomitantly strengthened the position of the Taoiseach within the Irish core executive system as the Taoiseach became as equally involved as the Minister for Foreign Affairs in the overall determination of Ireland's strategy towards the EC/EU.

While primary responsibility for the development of Ireland's European policy on specific issues rests with individual Departments, the core role of the Department of the Taoiseach is to provide a strategic direction and focus for this European policy in overall terms. The aim of those in the Department is to work in tandem with the relevant line departments rather than duplicate the work that is already being done. The relatively small size of the Department of

the Taoiseach necessitates this approach.<sup>11</sup> In 1982, the then Taoiseach Charles Haughey established an International Affairs Division to deal with Northern Ireland and the EU. This division was expanded to include all international and EU matters and in 2002 an additional unit was added to deal with the Lisbon Agenda. Nevertheless, its staff numbers still remain small.<sup>12</sup>

The core role of the department in relation to EU business was described by one of its officials in the following terms:

The core role of the Department of the Taoiseach is to provide a strategic direction on Europe, to create a strategic focus (Interview 48, 12.02.02).

In addition, the department can be brought into any set of negotiations if they become problematic or in the event of deep-rooted interdepartmental conflict. The way in which the Taoiseach's Department exercises its role is determined by its staffing levels which remain relatively thin and by its desire to 'work in tandem rather than reinvent' the work of other departments (Interview 51, 12.02.02). The tendency is 'to delegate and to co-ordinate as required and not to micro-manage' (Interview 49, 12.02.02).

### **Department of Foreign Affairs**

The Department of Foreign Affairs (DFA) assumed the role of lead department on EU matters from the Department of Finance in 1973. Its place at the heart of the core-core of the Irish core executive is still taken as given, however, it now shares its co-ordinating responsibilities to a greater degree with the Department of the Taoiseach. Membership of the EU in 1973 had a major impact on the structure of the Department of Foreign Affairs and was instrumental in promoting the modernization of the Irish Foreign Service (Keatinge 1995: 2). The department became involved in the Union's governance structures and, given its co-ordinating role on EU matters, became more integrated with the domestic system of public administration. In the late 1980s, Foreign Affairs, like all government departments, suffered a reduction in staff during the public sector recruitment embargo. However, concern about the capacity of headquarters to direct the growing diplomatic network and to respond to the demands of strategic policy making led to a major internal review of its resources and organisational structure in 1999-2000.<sup>13</sup> The *chef de file* or lead unit arrangement was put in place in February 2002 where each unit within the Department has overall responsibility for particular regions or countries of the world. Staff

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<sup>11</sup> The size of the Taoiseach's office has increased from having a staff of approximately 20 in the early 1960s to over 200 civil servants and political advisors in 2002 (Interview 48, 12.02.02). In spite of this significant increase in staffing as a whole, the infrastructure established to deal directly with EU matters within the Department of the Taoiseach was and continues to be small in scale (Interview 48, 12.02.02).

<sup>12</sup> The EU and International Affairs Division's staff now includes one head of unit (Assistant Secretary) along with two principal officers, two assistant principals and two administrative officers (total of seven, however three of these staff deal mainly with international affairs as opposed to European matters). In 2002 a Lisbon Agenda Unit was also established with three staff: a Principal Officer, Assistant Principal and Administrative Officer

<sup>13</sup> The review in Foreign Affairs was very extensive, and involved an analysis of the internal organization in headquarters and the department's external links to other government departments and to the growing network of embassies. The review focused on increased resources and structural change.

numbers have also been gradually increased since the period of the review (Interview 60, 26.03.02).

The Department of Foreign Affairs plays a specific and more hands-on role in the management of relations with Brussels that differs from the Department of the Taoiseach. Within the Irish system, it is the Department of Foreign Affairs that has an overview of developments in the EU from an institutional and political perspective. In addition, its embassies in the member states can provide information and briefing on the policy positions of the member states. The Irish Representation in Brussels is a pivotal source of intelligence on developments in the EU and has a key function in identifying first, how and what national preferences can be promoted within the EU and second, the trade-offs that might be necessary as negotiations develop. Following the review of the Department, the EU Division coordinates Ireland's approach within the EU.<sup>14</sup> The Political Division is responsible for international political issues and manages Ireland's participation in the EU's Common Foreign and Security Policy.<sup>15</sup> The Political Division also has coordinating function with regard to the European Security and Defence Policy (and works closely on this with the Department of Defence). The European Union Division and the Irish Representation in Brussels form two central nodes in the management of EU business, particularly in relation to Pillar I as they interact with a) EU institutions, particularly the Council but also the Commission and the Parliament, and b) government departments both individually and collectively. The Council phase of the Union's policy process imposes heavy demands on the Department of Foreign Affairs as a whole, while its role in monitoring and assessing developments in the European Parliament is less developed.

Within the European Union Division, the EU Coordination Unit is responsible for coordinating the preparation of ministerial briefs for the General Affairs Council, for supplying briefing material for the Taoiseach for European Council meetings and is the formal pathway for the circulation of much EU material to the domestic departments and to units within the Department of Foreign Affairs itself. With the new parliamentary scrutiny measures established in mid-2002, the role of this Unit in ensuring adequate flows of information and documents throughout the core executive system has increased even further.

### **Department of Finance**

The Department of Finance has played a crucial role in the development of Ireland's European policy since 1973. Indeed, its role in EU business increased significantly from the mid-1980s with the single market programme, EU structural and cohesion funds, taxation and Economic and Monetary Union (EMU) to the extent that the Department of Finance could now be said to have an interest in everything European for its role as the controller of the public finances gives it a central role in EU affairs. It is standard practice that EU proposals with financial implications for the Exchequer must be cleared with the Department of Finance before being approved. The department interacts with the EU arena via the ECOFIN Council, its preparatory bodies, the

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<sup>14</sup> The head of the EU Division is now referred to as Director General.

<sup>15</sup> The head of the Political Division is referred to as the Political Director.

Economic and Finance Committee (formerly the Monetary Committee), the Economic Policy Committee, the Eurogroup (12 member states), the European Central Bank, the Budget Council, other Council working parties dealing in particular with financial regulation, COREPER and bilateral dealings with the Commission. The Department also has extensive bilateral contact with the Commission through its central role in the management of the Community Support Framework in Ireland. The Department plays a major role in negotiations on taxation, where the Department of Foreign Affairs' involvement is minimal.

The two Divisions centrally involved in EU business are the Budget and Economic Division (BED) and the Banking, Finance and International Services Division (BFID). The BED deals with overall budgetary policy, economic policy and forecasting, the International Financial Services Centre and servicing EU committees on tax policy and budgetary and economic co-operation under EMU. And the BFID deals with banking policy and financial regulation at domestic and EU level, the Euro changeover, EU exchange rate policy and the monitoring and evaluation of regional and cohesion funds. Within the Department, sections have autonomy and responsibility for policy in respect of issues under their aegis and pull together when going to ECOFIN.

A Department of Finance inter-divisional committee on EU affairs has also been established, to facilitate internal co-ordination of EU business and to consider strategic issues within a broader context. The committee's terms of reference are 'to serve as a forum for discussion and overview of key EU issues pertaining to the Department of Finance' (Department of the Taoiseach Internal Memorandum). However, meetings of this committee have been infrequent (Interview 63, 10.04.02). While the Department of Finance has generally been extremely effective in protecting Irish interests (e.g. corporation tax negotiations), it is recognised that the resources available within the Department to monitor economic areas such as the performance of other member states according to the Broad Economic Policy Guidelines are limited.

In summary, the role of the three departments in the core-core of the system are complementary rather than competitive. The Department of the Taoiseach brings the authority of the prime minister to bear on interdepartmental issues and meetings called by this department will always be taken seriously. Foreign Affairs brings its knowledge of the EU, its negotiating expertise and its knowledge of the attitudes of other member states to the table. These two departments are major players in all of the macro-negotiations and have very close relations on the management of EU business. The Department of Finance is less involved in macro-issues to do with the development of the EU but is central to all aspects of economic governance. In addition to its system wide responsibilities, it has substantive EU dossiers of its own and pays most attention to these.

### **The Inner Core and Outer Circle**

Although EU business now permeates the work of all line or sectoral departments in some form, four in particular have key EU responsibilities and form part of the inner core of the core

executive in managing EU business from home: - Enterprise, Trade and Employment (ET&E), Agriculture, Food and Rural Development, Justice, Equality and Law Reform, and Environment, Heritage and Local Government. Together, these departments account for a sizeable proportion of Ireland's EU business. Given the size of these departments and the salience of their responsibilities, they have a high degree of departmental autonomy in the exercise of their policy responsibilities and have a role in the development of Ireland's overall strategic response to integration. They also tend to be involved in macro-negotiations in addition to sectoral policy areas and have well-established units or divisions devoted to EU and international affairs. The departments of ET&E and Agriculture have been key players since accession, whereas Justice and Environment have become increasingly involved in EU business from the 1990s onwards. The EU task facing each of these departments differs greatly one from the other. Agriculture is a clearly defined sector with a well-organised and politically significant client group. ET&E is multisectoral with responsibility for a wide range of policy areas such as regulation, trade, social and employment policy, consumer policy, research and certain EU funds. Justice is managing a relatively new but rapidly changing policy domain which is characterized by complex decision rules, and the UK and Irish opt out from Schengen and aspects of Justice and Home Affairs (JHA). Environment policy in Ireland is increasingly formulated within the European frame and environmental issues are touching other policy areas of government and other departments business, such as sustainable development, which is relevant not only for Environment but also Agriculture and Communications, the Marine and Natural Resources. Ireland's implementation record with regard to EU environmental legislation is closely monitored by a myriad of environmental lobby groups and NGOs at national and European level.

The Office of the Attorney General is included in the inner core of governmental departments who manage the interface with Brussels for one primary reason - the Office of the Attorney General offers legal advices and legislative drafting required as a result of the State's membership of the EU. Any departmental queries on EU legislation come to this office and every statutory instrument or statute produced in order to transpose EU legislation into the domestic is drafted by this Office.

Departments in the inner core and outer circle differ in two ways with regard to structures (see Figure 1). First, the primary responsibilities of the departments in the outer circle of the Irish executive continue to lie in the national arena. Even so, such is the reach of the EU, particularly with the development of the Open Method of Co-ordination as a mode of governance, each of the departments in the outer circle finds itself increasingly obliged to manage EU business to varying degrees. Each of the departments in the outer circle have placed staff in the permanent representation in Brussels. It must also be borne in mind that the EU's competences in policy areas within the remit of these departments is also relatively weak in comparison with policy areas covered by departments in the inner core. Second, departments in the outer circle may or may not have specific divisions or units dedicated to dealing with EU business.

### **Horizontal Structures**

In all of the member states, committees at different levels in the hierarchy play a central role in the inter-ministerial or horizontal co-ordination of EU affairs. They are the main institutional devices for formal horizontal co-ordination. A key characteristic of the Irish committee system was its institutional fluidity and malleability. See Table 2 for a chronology of the differing committee devices that have been established in Ireland. The Cabinet is the centre of political decision making in the Irish system. It processes EU issues according to the same standard operating procedures and rules that govern the processing of domestic issues. Although under institutionalised by continental standards, the sub-structure of the Irish Cabinet has been strengthened by the establishment of a series of Cabinet sub-committees, including an EU Committee. It is attended by the key ministers with an EU brief, ministerial advisors, and senior civil servants. In preparation for the 2004 Presidency, this Committee meets once every two weeks and is chaired by the Taoiseach.

**Table 2:** EU Committees in the Irish System

Period	Committee	Chair
Pre-Accession	European Communities Committee	Department of Finance
1973-84	European Communities Committee	Department of Foreign Affairs
1985-87	No meetings of the committee	
1987-90	European Communities Committee	Geoghegan-Quinn (Minister of State)
1988-90	Ministers and Secretaries Group	Haughey (Taoiseach)
1989-90	Ministerial Group on the Presidency	Haughey (Taoiseach)
1992-94	European Communities Committee	Kitt (Minister of State)
1994-97	European Communities Committee	Mitchell (Minister of State)
1994-99	Ministers and Secretaries Group	Bruton/Ahern (Taoiseach)
1994-98	Senior Officials Group	Department of the Taoiseach
1998-99	Expert Technical Group	Ahern (Taoiseach)
1998-	Cabinet Sub-Committee	Ahern (Taoiseach)
1998-2002	Senior Officials Group	Department of the Taoiseach
2002-	Interdepartmental Coordinating Committee on European Union Affairs	Roche (Minister of State)

Following the first Nice Treaty referendum defeat, the Irish committee system is finally beginning to become embedded in the Irish system. At its apex are the Cabinet and the Cabinet sub-committee. Below this is the Roche Committee (also known as the Interdepartmental Coordinating Committee on European Union Affairs), which in turn can set up sub-groups. The Cabinet Sub-Committee is serviced by the Roche Committee or directly by Government Departments on EU matters. The newly appointed Minister of State for European Affairs chairs the Roche Committee for European Union Affairs and the European and International Affairs Division of the Department provides the Secretariat for the Committee. Senior Officials<sup>16</sup> attend the Committee from each Department, as can the Permanent Representative. From December 2002, the Roche Committee has met every second week. The Committee is used as an early warning system for potentially problematic issues arising out of EU business, as well as a forum to facilitate strategic thinking across government departments. As in the Cabinet Sub-Committee, the practice of holding presentations on relevant issues also takes place within the Committee.

Senior officials from government departments also attend a number of other, generally ad hoc, interdepartmental committees designed to deal with specific cross-cutting issues. In the aftermath of the September 11<sup>th</sup> tragedy, an interdepartmental committee was set up, chaired and serviced by the Taoiseach's Department. Other interdepartmental committees dealing with cross-cutting EU issues include Enlargement<sup>17</sup>, Justice and Home Affairs<sup>18</sup>, the Future of

<sup>16</sup> Usually at Assistant Secretary or Principal Officer level.

<sup>17</sup> Chaired and serviced by the EU Division of the Department of Foreign Affairs.

Europe<sup>19</sup>, the 2004 Presidency committees<sup>20</sup>, the Lisbon Group<sup>21</sup> and the Convention Overview Group<sup>22</sup> (see Figure 2 below).

The ongoing Lisbon Agenda poses a fundamental challenge to the Irish system with regard to the structures necessary to handle cross-cutting issues. The primary reason behind this is the development of the open method of coordination as a policy mechanism within the EU. The diverse and broad range of policy areas that are gathered under the Lisbon umbrella necessitate some form of central coordination. Heretofore, this overall coordination has been undertaken by the Department of the Taoiseach but if this practice is to continue, a greater degree of resources will need to be allocated to the EU and International Affairs Division of the Department of the Taoiseach.

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<sup>18</sup> In the immediate aftermath of the September 11<sup>th</sup> tragedy, it soon became clear that the negotiation of the European Arrest Warrant and Framework decision on terrorism necessitated more intensive mechanisms within the Irish system. An interdepartmental committee was set up to deal with the European Arrest Warrant negotiations, included officials from the Departments of Foreign Affairs, Finance, Justice, the Attorney General's office and the Department of the Taoiseach. The Department of Justice was the lead department on this issue and an official from this department chaired the committee. The Committee was serviced by the Department of the Taoiseach. On the conclusion of the European Arrest Warrant negotiations, this committee became the Interdepartmental Committee on Justice and Home Affairs and generally meets before every Justice and Home Affairs Council meeting.

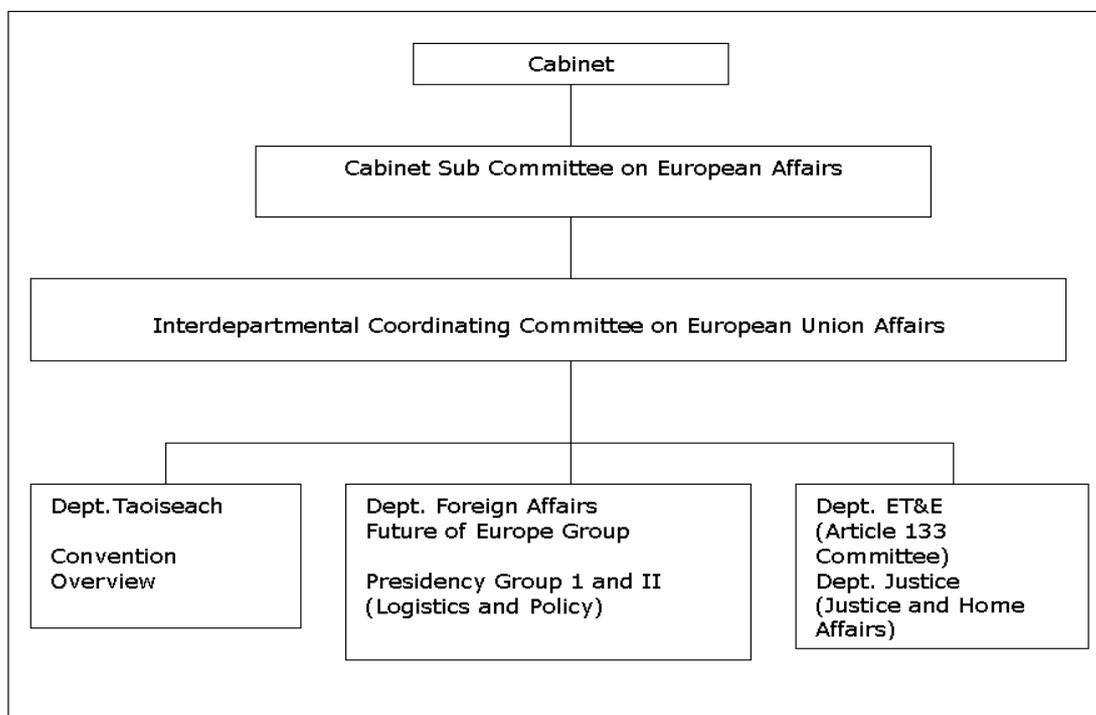
<sup>19</sup> Chaired and serviced by the EU Division of the Department of Foreign Affairs.

<sup>20</sup> Chaired and serviced by the EU Division of the Department of Foreign Affairs.

<sup>21</sup> Chaired and serviced by the EU and International Division of the Department of the Taoiseach.

<sup>22</sup> Chaired and serviced by the EU and International Unit of the Department of the Taoiseach. This group meets once a week and includes officials from the Department of Foreign Affairs, Finance, Attorney General's Office and the Department of Enterprise, Trade and Employment.

**Figure 2:** Central Committees for the Organisation of Cross Cutting EU Issues<sup>23</sup>



**The Permanent Representation**

The Permanent Representation is an integral part of Ireland’s management of EU business. It is a microcosm of Ireland’s core executive in Brussels. The number of staff of diplomatic rank increased from seven in 1971 to fifteen in 1973 following accession. The 1975 Presidency led to the next important increase in the staffing levels to twenty four to manage the work involved in holding the Presidency. However, the number of staff in the representation remained relatively stable for the remainder of the 1970s and 1980s. The next significant increase in staffing came in the 1990s when a number of domestic ministries felt the need for a presence in Brussels. By 1999 the number of officers of diplomatic rank rose to 35 and had reached 40 by 2002. The number does not include the four military staff in the representation.

The expansion of staff from the mid-1990s onwards points to the growth of EU related business in the post TEU and Amsterdam environment and to the further Europeanisation of a number of domestic ministries. The size of the representation is in comparative terms very small. Apart from Luxembourg, it is the smallest representation among the member states. The incremental process of Europeanisation is evident in the number of ministries that have a presence in the representation. In 1973, six ministries had staff in Brussels. A further three ministries joined

<sup>23</sup> Dept. ET&E = Department of Enterprise, Trade and Employment

them in the late 1970s and 1980s. From the 1990s onwards the Ministries of the Marine (1991), Justice (1995), Health (1996), Attorney General's Office (1999), Defence (2000), Education (2001), Arts Culture and the Gaeltacht (2002) were added to the list. Thus domestic departments with the exception of the Taoiseach's department are represented in Brussels.

The cycle of Council, COREPER and working party business sets the tempo of work in the Representation. Meetings of COREPER act as a filter between the political and the official. According to one former ambassador, the 'real wearing down process goes on in COREPER' because this is where the trade-offs take place. According to this official, 'The major job of the Permanent Representative is to ask 'is this something we can win' and 'what will I advise the Minister' (Interview 55, 07.03.02). There would be continuous and high level contact between Dublin and Brussels during sensitive negotiations on the stance Ireland should take.

## **II PROCESSES**

The second level of analysis adopted in this paper focuses on how the structures are animated in reality, that is how the system lives and the processes through which it undertakes business. This section analyses the codes, rules and guidelines that govern the handling of EU business in the Irish core executive. Ireland's management of EU business is not highly formalised. There is no bible of European Affairs either for the system as a whole or within individual departments. Unlike the UK system, there is no tradition of putting on paper Guidance Notes on substantive policy issues or horizontal procedural issues (Bulmer and Burch 2000). Those rules and guidelines that exist can be found in a series of Government Decisions, a small number rules and circulars issued from time to time by the Foreign Ministry and the Finance Ministry. The rules and guidelines that exist relate to the following matters:

- Cabinet rules on how a memorandum should be prepared for and processed through the Cabinet;
- Original Foreign Affairs Circular on how EU business should be handled (1973 and subsequently amended, albeit rarely);
- Department of Finance rules about notification of policies and programmes that might lead to a cost to the Exchequer;
- Rules and guidelines about the drafting of governmental bills and statutory instruments should be handled between an individual department and the Office of Parliamentary Council in the Attorney General's Office.

These rules and guidelines are supplemented by those of individual ministries. An important feature of the Irish system is the dominance of convention and 'standard operating procedures' over formal rules and guidelines. The Department of Foreign Affairs has never in the past adopted the role of producing codes, rules and guidelines for the system as a whole. Such an approach would go against the deep-rooted convention of the dominance of the lead department in the Irish system. The need for improved parliamentary scrutiny following the

'No' to the Nice Treaty has led to the introduction of new rules and guidelines. These are discussed in the section on parliamentary scrutiny.

In the Irish system the preparation of briefing material is not systematised at all levels in the hierarchy. In fact it is not until Council and European Council meetings that there is systematic preparation of briefing material. There is no practice of sending written instructions to the COREPER representatives from Dublin or of holding pre-COREPER meetings in the national capital. Rather, within the Representation, the Permanent Representative and the Deputy establish their own *modus vivendi* with the attachés concerned. Within each department and across the system there are well-established standard operating procedures on how briefing material is prepared for Council meetings. The central features of this are the centrality of departmental and divisional responsibility. The 'lead' department must prepare the brief for its Minister for each Council meeting in their sector and within each department the 'lead' section on a particular agenda item takes responsibility for preparing briefing material for that issue. In all departments, responsibility for the co-ordination of briefing material rests with one section. Within all Government departments the processes for preparing briefing material are broadly similar and the frequency with which such processes are activated depend on the cycle of Council meetings in particular policy domains. The departments most involved in preparing briefs are Foreign Affairs, Agriculture, and Finance, Enterprise Trade and Employment and Justice given that their ministers are most actively involved in EU affairs. The EU agenda and timetable dictates the intensity of response needed from the Irish system while an issue remains within the Council/European Parliament system. The focus at this stage is on the projection of Irish preferences into the Brussels arena.

Although there are no formal guidelines about report writing, there are well-established practices of reporting within the Irish system. Some departments are more systematic than others in the preparation of reports. The Foreign Ministry, Agriculture and Justice appear to have the most comprehensive and systematic approach to report writing and to the circulation of such reports within the department. In other departments, individual officers appear to have more autonomy regarding report writing.

Once a law is passed or a programme agreed at the negotiating stage, the focus changes to the reception of the output of EU decision making into the national system. The role of the Core Executive during this phase of the policy process is substantial but more limited than the negotiating phase. The Core Executive is responsible for the transposition of EC law in the Irish system. Individual government departments are responsible for implementation. When Ireland fails to implement or incorrectly transposes EC law, the Department of Foreign Affairs receives notice of infringements reasoned opinions and notice of European Court of Justice (ECJ) proceedings via the Representation in Brussels. It then sends the relevant documentation to the Attorney General's Office, the department concerned and the Chief State Solicitors Office.

### **Information Pathways**

Ireland's administrative culture is characterised by considerable autonomy for individual ministries which could well militate against the sharing of information. However, the demands of the Brussels system require a degree of information sharing. In the Irish system there are formal pathways for the dissemination of information. The EU co-ordination section in the Department of Foreign Affairs is at the centre of the formal information pathway for pillar one issues. Commission proposals and related papers are received by the Documentation Centre and are then distributed to the relevant sections within Foreign Affairs, other government Departments, and the Oireachtas (the Irish houses of parliament). All formal communications from the Commission to Ireland come to this section via the Representation in Brussels. The Department of Foreign Affairs clearly adopts a policy of the maximum sharing and distribution of information. According to a departmental official, 'the over-riding approach is to get the material out' (Interview 51, 12.03.02). The approach of domestic ministries to the sharing and distribution of information depends on the departmental culture, the sensitivity of the issue and the degree to which a particular department wants to insulate particular issues from system wide discussion. In the home departments the most widespread practice is to have one unit responsible for the circulation of information but in some cases there are multiple information points, particularly if a department is responsible for more than one Council formation. In areas with a tradition of secrecy such as Justice and Home Affairs or financial matters, the circulation of information is more likely to be limited. In assessing the openness to sharing material, it was suggested that the decision to establish a committee on Justice and Home Affairs was a step in the right direction as it would force the Department of Justice, a traditionally secretive department to air issues outside the department. In contrast, the Department of Finance was perceived in the following terms, 'Finance know what they are doing but don't share information' and that the EU activities of the Department of Finance are not 'subject to robust scrutiny' (Interview 56, 12.03.02). Thus although there is considerable sharing of information, there are also pockets of the system where information is harvested and not shared.

While the Department of Foreign Affairs is formally responsible for the circulation of information, individual departments do not solely rely on it for their information needs. In fact in a survey of EU co-ordination units in 1999, only two domestic departments -the departments of the Taoiseach and the Marine- cited Foreign Affairs as their most important source of information (Laffan 2001). In addition, the Attorney General's Office also cited Foreign Affairs as the main source of information. For all other departments, their officials in Brussels were the primary source of information on EU developments. This underlines the crucial vertical link between the home departments and their people in Brussels.

### **Co-ordination**

The co-ordination ambition depends on the nature of the issue on the Brussels agenda, the phase of the policy process and the national style in managing EU business. A fourfold distinction between routine sectoral policy making, major policy shaping decisions within sectors, cross-sectoral issues and the big bargains is apposite. Departments can handle the

routine business of dealing with Brussels within clearly defined sectoral areas without engaging in too much inter-departmental consultation and co-ordination. In addition, the Irish system gives individual departments considerable autonomy within their own sectors even on the major shaping issues provided the wider system is kept informed. On the key national priorities, the Irish system engages in 'selective centralisation' (Kassim 2002). The system will channel political and administrative resources on the big issues. This has occurred on a number of occasions when big issues demanded an inter-departmental coordinated response, for example, the 1983 super levy negotiations, the 1996 EU Presidency and the Agenda 2000 budgetary negotiations. There is a hub involving the Political Division in Foreign Affairs, the Defence Ministry and the General Staff of the Army in relation to the European Security and Defence Policy (ESDP). A second pole of co-ordination is evident in the area of Justice and Home Affairs. A government decision established an interdepartmental Justice and Home Affairs Committee serviced by the Taoiseach's department, chaired by a senior official from the Department of Justice, and attended by the Foreign Ministry, and the Attorney General's Office. This committee meets before Justice and Home Affairs Councils. Major cross-cutting environmental issues are managed within the 'Environmental Network' of government departments, which meets at Assistant Secretary level. However, there are a lot of environmental issues that do not fall within its remit. The processes associated with the Open Method of Co-ordination could well lead to the development of additional poles of co-ordination.

### **III THE AGENTS**

Participation in the activities of the European Union poses challenges to those who work in national civil services. In order to live with the Brussels system, states need a cadre of EU specialists who can combine technical/sectoral expertise with European expertise. Ireland's EU cadre can be found in Foreign Affairs, Enterprise, Trade and Employment, Agriculture, Finance and Justice. In all of the other departments, there are significant EU related posts but these are few in number. The small size of the EU cadre relative to the size of the civil service is striking.<sup>24</sup> Irish civil servants are expected to handle any post that they are placed in and to move to radically different work in the course of their careers. It is thus exceptional in the Irish system that an official would work only on EU matters for their entire careers. That said there are a small number of officials whose careers are largely EU related in the diplomatic service and in the key EU ministries. These are officials who might have served on high level EU committees for long periods and because of their EU knowledge become a key resource in the system. Although they constitute an essential resource in the Irish system, the EU cadre may not be adequately recognised. One senior official concluded that:

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<sup>24</sup> An incomplete estimate prepared in 2002, that analysed those involved at Higher Executive Officer (HEO) level or above, suggests that the numbers have increased but not dramatically. Only three departments, Foreign Affairs, Enterprise, Trade and Employment and Agriculture, had over 50 staff working on European business for more than 50 per cent of their time. In many departments, the number was five or less. Ireland's EU cadre is relatively small in size.

Within the system, there is hardly any incentive to be a 'Brussels insider', in terms of finance or family commitments. There is no one central system to bring this about. People don't want to be pigeonholed in that way. ...the weighting given in civil service panels to such skills might not be great' (Interview 53, 12.02.02).

There is no specially trained EU cadre in the system nor is there an EU related fast track. Training is ad hoc throughout the system. Language training within the Irish system is also weak. Consequently EU expertise is built up on the job.

The manner in which Irish officials do their homework for negotiations in Brussels and conduct negotiations is influenced by a number of factors. Size matters. The relatively small size of central government, coupled with the small size of the country, and the fact that Irish delegations tend to be smaller than those of other member states all influence perceptions of how the Brussels game should be played. Irish officials have an acute sense of the constraints of size and work on the basis that as a small state; Ireland has a limited negotiating margin and should use that margin wisely. One interviewee argued that 'Ireland has fewer guns, and not many bullets so it must pick its fights carefully' (Laffan 2001). Irish officials try to avoid isolation in negotiations and are largely successful: 'very rarely are we without a negotiating margin and without room for manoeuvre' (Interview 55, 07.03.02). The problem solving approach to negotiations means that Irish officials tend to intervene on specific issues and would have little to say on the broad thrust of policy. Links are maintained with colleagues in other member states but on a less systematic basis than in some other administrations. Given the changes in the EU, more attention is again being paid to bilateral contacts at all levels in the system. Tactical rather than strategic thinking is prevalent in Ireland on EU matters. Considerable attention is paid to the negotiating positions of other member states. In addition, personalism is a dominant cultural value in Ireland arising from late urbanisation and the small size of the country. Civil servants working on EU matters meet frequently in Brussels and Dublin and have an ease of contact. Officials throughout the system can easily identify the necessary contacts in other departments.

There are several well-entrenched norms in the Irish system that influence how EU issues are handled. First, is the norm that Irish delegations should 'sing from the same hymn-sheet' and should not fight interdepartmental battles in Brussels. Delegations would not engage in conflict in front of other delegations. Second, is a norm of sharing information about developments in key negotiations. However, there are pockets of secrecy left where departments would not share information that they believed was of primary interest to themselves. Third, is a high level of collegiality within the Irish system and a high level of trust between officials from other departments. This is accompanied by an understanding of different departmental perspectives and styles. A high level of trust is particularly prevalent among the EU cadre, who see themselves fighting for 'Ireland Inc'. Fourth, is the norm that Ireland should be as *communautaire* as possible within the limits of particular negotiations. As stated above, Irish officials/politicians do not oppose for the sake of opposing.

### **Executive-Parliamentary Relations**

Until the critical juncture of the first Nice Treaty referendum defeat in June 2001, the relationship between the Oireachtas and the core-executive was weak. Relations between the Oireachtas and the EU had been characterized as a combination of neglect and ignorance (O’Halpin 1996: 124). On accession in 1973, a Joint Oireachtas Committee on the Secondary Legislation of the European Communities was established as a ‘watchdog committee’. However, its performance was modest, hampered as it was by limited resources and lack of interest by parliamentary deputies and the media in its output. In 1993, it was reconstituted as the Joint Oireachtas Committee on European Affairs and its primary role was to inform deputies and senators of general EU policy developments rather than scrutinize EU legislation as such.

The weakness or perceived absence of parliamentary scrutiny of EU business was highlighted as a serious problem during the 2001 Nice referendum. In response to this, the government developed a new system of enhanced Oireachtas scrutiny of EU affairs. The parliamentary link for the new procedures is the Joint Oireachtas Committee for European Affairs, now called the Select Committee for European Affairs. All EU related documents are deposited in the EU Coordination Unit of the Department of Foreign Affairs and passed on by the Unit to the Select Committee. On receipt of these documents (estimated at approximately 10,000 per year – Interview 77, 11.07.02), the clerk of the Select Committee, together with a sub-committee of the Select Committee (informally termed the ‘sifting committee’) sifts, on a two-weekly basis, through these documents and identifies EU legislative proposals that are significant enough to merit parliamentary scrutiny (according to certain criteria). If the sifting committee so decides, a request is made for the drafting of an explanatory memorandum or ‘note’ concerning the EU proposal from the relevant department. The note must be received by the EU Coordination Unit of the Department of Foreign Affairs within one month of the sifting committee’s request and it is passed on to the Select Committee Secretariat.<sup>25</sup>

On receipt of these memoranda, the Committee secretariat passes the proposals on to the relevant sectoral or departmental Oireachtas committees for consideration. The relevant committee then produces a report on its deliberations, which is laid before the Oireachtas. While the proposals make provision for extensive engagement between the Oireachtas, ministers and officials, a binding scrutiny reserve has not been put in place. Instead, Ministers are honour bound to take the opinion of the relevant committee into account when negotiating in the Council of Ministers. At the same time, committees are obliged to give an opinion on a proposal within a tight deadline and in advance of negotiation at Council of Ministers’ level, otherwise approval of the proposal is taken as given. Ministers must be available to give oral briefings and reports of EU meetings on an agreed basis and the committees deliberating on proposals may meet in private if a proposal is of a particularly sensitive nature. If the Committee concerned so desires, the Chief Whips of the political parties are in agreement and

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<sup>25</sup> The Select Committee is aided in this task by an Advisory Group consisting of well-known European experts.

depending on the parliamentary timetable, proposals may be debated on the floor of the Oireachtas itself.

The need for Government departments to prepare notes for the Oireachtas committee will ensure that within each department formal systems must be put in place to ensure that such notes are prepared. Management within each department will have a far better idea of just how much EU business they must handle and how best to deploy their resources. The preparation of notes will also make the identification of priorities far more systematic as judgments must be made of just how important an EU proposal is. Following the original circular on the management of EU business in 1973, the guidelines on Oireachtas scrutiny are the next most significant formalisation of the management of EU business in Ireland.

## **CONCLUSIONS**

Ireland's experience of interaction with the EU system spans the thirty years of its membership. The process of Europeanisation can be gleaned from the expansion of EU related business across the governmental system. In 1973, EU business was predominately the business of Foreign Affairs, Agriculture, Industry and Commerce (now ET&E), Finance and to a limited extent the Taoiseach's Department. Today, all departments have EU related responsibilities. The increased role of Justice and the Environment in the 1990s is particularly noteworthy. The gradual process of Europeanisation can be seen in the expansion of departmental representation in the Permanent Representation in Brussels and in Council working groups. EU business has become more widespread and thus more fragmented within the Irish system. The creeping expansion of EU business was added on to the business of each department in an incremental manner.

The EU has imposed a requirement for continuous albeit incremental change in the management of EU business. In addition, there are particular periods that constitute critical junctures. In the Irish system, these were the pre-membership phase, the initial period of membership (1973-75), 1988-1992 and more recently the 'No' to the Nice Treaty. The first three critical junctures arose from the demands of the EU system and coincided with preparations for membership, accession (1973-75) and a significant expansion in the scope and ambition of integration (1988-92). During this period, structures and processes were put in place for managing EU business and the co-ordination capacity was enhanced. The changes in 1988, which coincided with the arrival of a new Prime Minister, reflected a growing involvement of that department in EU business. The critical juncture created by the 'No' to the Nice Treaty is likely to have far deeper consequences for how Europe is managed in Dublin.

Nice is a more significant critical juncture for the following reasons. First, Irish ministers and civil servants could engage with the EU system in the past in the context of a broad domestic consensus and within an enabling political environment. Europe was not a contentious issue in Ireland. This is no longer the case. Second, in the past Ireland's socio-economic position and

the desire for economic catch-up moulded policy positions across the spectrum. Identifying the national interest was relatively straight forward. Third, the desire to be seen as broadly *communautaire* led successive Irish governments to go with the emerging EU consensus unless an issue was highly sensitive. The 'No' to Nice highlighted the weakness of EU knowledge among the Irish electorate, a degree of disinterest given the low level of turn-out and the emergence of a gap between the government and the Irish people on Europe. One senior official spoke of the 'escape of gases' after 'Nice' which suggested that in place of the previous consensus there were a variety of views about the EU in political parties, the Cabinet and the wider civil society. This inevitably led to a lot of soul searching and questioning at political and official level. The results of this are likely to have long-term consequences for Ireland's engagement with the EU system.

The analysis in this paper of the structures, processes and activities of Ireland's EU cadre enable us to draw out the key characteristics of the way EU business is managed in Ireland.

These are:

- a relatively small EU cadre is responsible for the burden of work arising from membership. This cadre is collegiate and cohesive with a strong sense of promoting and defending the interests of Ireland Inc.;
- strong departmental autonomy with considerable latitude for the lead department. This latitude extends to sensitive dossiers;
- responsibility for co-ordination of day-to-day business lies with Foreign Affairs and for the macro-sensitive dossiers with Foreign Affairs and the Taoiseach's Department.
- traditionally weak processes of interdepartmental co-ordination and a weakly institutionalised committee system. Consequently there is a reliance on informal, highly personalised contact between ministries. This is changing.

The above characteristics influence how Ireland interacts with Brussels and manages EU business at home. The Irish core executive's interaction with the EU is of a more passive than active nature. Change has been instigated in response to a small number of critical junctures and has occurred at an incremental and slow pace. The style is pragmatic, consensual and broadly collegial. There has been a marked focus on those issues that were vital to Ireland - structural funds, agriculture, taxation and EU regulations, that might affect Ireland's competitive position of the national budget. The resources of the administration have been heavily focused on these key policy areas. The approach is to find negotiated solutions to Ireland's problems in any particular set of negotiations. Radically new ideas that may not be immediately appealing to the majority of EU member states tend not to emanate from the Irish core executive.

It could be argued that this approach served Ireland well when it was easy to identify its core interests, and when the trajectory of the EU and its policies were in broad measure close to Irish preferences. One advisor suggested that Ireland did not come out with visionary statements

'because the way the EU works at the moment suits us well' (Interview 51, 28.02.02). The EU is however changing and so too is Ireland's place in that Union. There is evidence that the political and administrative class is reacting to those changes and to the Nice 'No' but is doing so on an adaptative basis rather than through radical change. The Departments of the Taoiseach and Foreign Affairs are spearheading a reappraisal of the system but the home departments are not as occupied by the issues. Some are actively assessing their internal management of EU business but others less so. All those interviewed for this study felt the need for a reappraisal but were concerned that sufficient political priority might not be given to it in the longer term. 2002 will prove a defining year in Ireland's EU policy.

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