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MANAGING EUROPE: CRITICAL JUNCTURES AND THE INCREASING FORMALIZATION OF THE IRISH CORE EXECUTIVE

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Abstract

This article analyzes the management of European Union (EU) business by the Irish core executive. More specifically, it investigates the demands placed by EU membership on the Irish system of public administration and how the system has responded to these demands. Employing an institutionalist analytical framework, the article maps the formal and informal organisational and procedural devices or structures used to manage EU affairs in Ireland, as well as dissecting the key relationships that govern this management process and the role of the domestic agents actively involved in the EU's governance structure, the *cadre* or boundary managers. The article also explores in a dynamic way the development of the capacity for the management of EU affairs in Ireland over time. Using the concepts of path dependency and critical junctures, we illuminate how key system-management decisions became locked-in over time and we isolate the triggers for significant adaptational change, be they domestic or external. Adaptation to EU business in Ireland was path-dependent and consisted of gradual incremental adjustment. This system of flexible adaptation generally served Ireland well as the EU's policy regime expanded and evolved, but in response to the shock rejection of the Nice Treaty by the electorate in 2001, significant formalisation of the Irish system occurred with the establishment of new processes and rules for managing relations between the core executive and the EU.

INTRODUCTION

When Ireland joined the then European Economic Community (EEC) in 1973, an additional layer of governance was added to its domestic system of policy-making, posing a challenge its national political and administrative systems. The national core executive, that is, the Irish government and central administration or bureaucracy became a dominant carrier of Europeanization, as the system was required to adjust to engagement with the EU's system of collective governance (Featherstone and Radaelli 2003, p.334). Public policy-making was no longer to be conducted within the confines of the structures and processes of Irish government as EU policy making triggered institutional adaptation 'at home' and altered domestic rules (Wessels et.al. 2003, p.14). Adaptation to this system required more than just a once-off adjustment as the EU policy regime itself expanded and evolved over time. The Irish core executive became the key nodal point and bridge between the national and the European in the EU's networked system of governance, with members of government and senior civil service officials, the *cadre* or boundary managers, acting as translators of EU policies, norms and practices into the domestic arena and projecting domestic preferences back into the EU arena (Bulmer and Burch 1990, 2000 and 2001; Genschel 2001; Featherstone and Radaelli 2003). Managing this additional layer of governance thus became increasingly important to the Irish core executive. So how does the Irish core executive manage EU business at home and in Brussels? Has the Irish public administration system developed the capacity to act effectively at the EU level? How has the system of domestic management of EU business evolved over time? This article investigates the adaptation and change of the Irish core executive to EU membership from an institutionalist perspective. Focusing on organisational and formal and informal institutional configurations, the article

examines the demands placed by EU membership on the Irish core executive system and how the system has responded to those demands.[1] Institutionalist concepts such as critical junctures and path dependency are also used to analyze in a dynamic way the changes over time to the core executive. In examining the effect of the EU on the Irish national core executive, therefore, this article provides the most detailed mapping and analysis of how EU business is managed in Ireland heretofore.

I. EXECUTIVE ADAPTATION TO EU MEMBERSHIP

During the 1990s, a growing body of research developed on the theme of Europeanization, a term used to denote the impact of the EU on the domestic. EU scholars turned away from looking at the process of EU institution building to a more variegated examination of the effects of EU membership on member states themselves, be it affecting their politics, policy and polity (See Adshead 2005; Bulmer and Lequesne, 2005, p.13). One of the earliest definitions of Europeanization defined it as 'an incremental process re-orientating the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making' (Ladrech 1994, p.69). One key strand of Europeanization research focused on how member state executives adapted to EU membership (Bulmer and Burch 1998, 2000, 2001; Kassim 2003; Wessels et.al. 2003; Goetz 1999). Core executive adaptation is one of the five faces of Europeanisation identified by Olsen (Olsen 2002). One of the earliest premises of such work was that the adaptation does not strictly have to be one way: member states are not just passive recipients of EU policies and programmes. In a 'loop' of adaptation, they actively participate in shaping outcomes in Brussels and mediate what comes from the EU through national political and administrative institutions and processes (Wessels et.al.

2003, p.7; Bulmer and Burch 2001). National executives are key 'translator' devices' between the European and the domestic (Genschel 2001, p.98).

The substantive focus of this part of the literature has been on the formal organizational changes that membership has brought and the manner in which national governments respond to engagement with the Union. Historical institutionalism (HI) has been the preferred framework in a number of studies, notably Bulmer and Burch (1998, 2000, 2001), Harmsen (1999), Kassim (2003) and Laffan (2003). With HI, the focus is on mapping the para-constitutional, organisational and institutional configurations and the coordination processes within domestic systems over time rather than analysing particular institutions in isolation (Pierson and Skocpol 2002, p.693; Wessels et.al. 2003). While the impact of the EU on member states' politics has been found to be great, the effect on their governmental systems has been far less evident (Bulmer and Burch 2001, p.75; Knill 2001). Managing EU business has not been a source of transformative change in national core executives. Adaptation is deeply rooted in national style. Existing structures and operating procedures have been adapted around the edges rather than fundamentally altered by EU membership, as we shall see is the case in Ireland. Nor have convergent patterns of national adaptation emerged (Wessels et.al. 2003).[2]

Analytical Framework

The notion of the core executive was developed in research on central government in the UK and 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; Rhodes 2000). The core executive lies at the interface between the political and administrative arenas involving a 'highly institutionalised set of relationships' (Smith 2000, p.29). Yet the concept of the core executive does not just capture formal structures – cabinet and ministries – but also the more informal roles, networks and relationships between actors at the heart of government, be it politicians or senior officials. The Irish core executive and system of government has been categorised as a variant of the Westminster model with one important difference – a written constitution (See Gallagher, Laver, Mair 2001). The key conventions of collective and ministerial responsibility lie at the heart of the Irish Constitution and political authority is invested 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 head of the government with the authority to hire and fire ministers.

As mentioned above, the framework that guides our mapping of EU management by the Irish core executive is based on an institutionalist perspective, particularly historical institutionalism. With HI, attention is paid to the configuration of political order around formal institutions, organizations, norms, rules, roles and practices which frame the conduct and strategies of actors over time (Thelen and Steinmo, 1992, p.2; Harmsen 1999; Bulmer and Burch 2001; Kassim et.al. 2001). In their study of core executive management of EU business in Britain, Bulmer and Burch divided their organisational field as follows: the formal institutional structure, processes and procedures, codes and guidelines, and the cultural dimension (Bulmer and Burch 1998). This was later adapted to focus on four institutional dimensions,

notably the systemic, organizational, procedural and regulative (Bulmer and Burch 2000, p.50). The analytical framework used here builds on and adapts Bulmer and Burch's institutionalist framework by dividing the institutional field into three levels, analyzing not just the structural and process dimension of core executive management, but also the key role of agents. 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. Was EU business absorbed into existing organizations or did it lead to major institutional innovation? The *process component* examines the pathways for EU related information through the Irish domestic system and the codes, rules, guidelines that govern the handling of EU business over time. How is EU business that is cross-cutting in nature coordinated in the Irish system? The third component, the *agents,* examines the role of the individuals who act as the boundary managers or gatekeepers between the domestic and the European. In all member states, there are a number of key political roles held by individuals who have primary responsibility for managing European affairs. An administrative *cadre* (which includes senior civil service officials, the permanent representative) complements the political *cadre* (heads of government and key ministers)*.* Heretofore little has been known about the key attitudes, belief systems and values of such individuals (Wessels 2003, p.7).

As well as helping us to identify various institutional configurations, HI also pays attention to institutional evolution and processes of change over time. HI accounts of institutional change point to the 'stickiness' of institutions once established and the importance of path dependence in institutional development (Pierson and Skocpol 2002, pp.696-703). According to HI, the dynamic of change is path-dependent; once

created, institutions (be it structures, processes or roles of agents) may prove difficult and costly to change. Change, when it does occur, e.g. the decision to alter the system of core executive management, can be either incremental (minor change around the edges) or episodic (Cortell and Peterson 1999, p.182). Episodic change can be said to be related to what has been termed 'critical junctures' (Ikenberry 1988, p.16), described by Collier and Collier as 'a period of significant change …which is hypothesised to produce distinct legacies' (Collier and Collier 1991, p.29). This episodic and significant change may result from events or processes internal and external to the domestic system. Systemic change at the national level or political events at the national level that have a wide and significant impact may trigger the adoption of new modes of management. At the same time, policy and regime change in the Union, such as through significant treaty reform, may also prompt further development of the domestic capacity for management of EU affairs (Pierson 2000a, 2000b; Scott, 2001). Taking institutional evolution seriously enables us to track incremental change and path dependency, as well as to distinguish between internal and external sources of change, in particular enabling us to identify the effects of any critical junctures on the process of institutional development. Adaptation to EU membership is seen as a continuous process punctuated by occasional critical junctures or moments. The analysis of this change proceeds in the following manner. Section II analyzes the origins and development of the management of EU issues in Ireland, with the identification of triggers for significant change. Section III dissects the structures established to manage the EU-domestic interface. In sections IV and V the formal and informal coordination processes and the role of the agents or cadre managing these processes are examined.

II. ORIGINS AND DEVELOPMENT OF THE MANAGEMENT OF EU ISSUES IN IRELAND

From accession to the EU in 1973 to the end of the 1990s, Ireland's system for managing EU business was relatively stable. The structures and processes put in place on accession to position Ireland in the EU system appeared to work well over time and change, when it occurred, was incremental, slow and adaptive in response to developments at the EU level. The expansion of the EU's policy regime to include economic and monetary union, foreign and security policy and justice and home affairs in the Maastricht Treaty on European Union brought new domestic actors into the management system and increased the amount of EU business that had to be dealt with. At the same time, a subtle shift occurred with the enhancement of the Prime Minister or Taoiseach's position as overall guide and steer of Irish EU policy. In 2001, however, a domestic critical juncture occurred with the No vote to the Nice Treaty by the Irish electorate. The negative vote triggered a period of review and evaluation and resulted in significant change in how EU business was and is managed in Ireland.[3]

Ireland's approach to the management of its engagement with the EU was established in the latter half of the 1950s when the decision was taken by the then Prime Minister, Sean Lemass to consider joining the EEC. 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.[4] Moreover, the EEC was not a matter of foreign policy although the external dimension of the Union was clearly acknowledged. The Prime Minister, senior domestic ministers and a small group of senior civil servants played the key

role in charting Ireland's relationship with the system and in negotiating Irish EEC entry. A 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 period between accession in 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. In its fundamentals the management system put in place remained unchanged until the late 1980s. Responsibility for day-to-day coordination on EU matters was assigned to the Department of Foreign Affairs (DFA) and the principle of the 'lead department' was firmly established. In this way, individual departments as lead ministries became the domestic interlocutors with the EU and were responsible from the outset for coordinating preparations for Council meetings falling within their remit (Kassim 2003, p.98). Overall, there was very little institution building in the form of new structures, rather there was a reliance on the adaptation of existing domestic 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. The preparations for the 1975 Presidency were important for 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 resurgence of integration at the EU level in the late 1980s and beyond prompted change in the Irish system. Beginning with the signature of the Single European Act (SEA), the negotiation of the Delors I multi-annual budgetary package and the signature and ratification of the Maastricht Treaty, the amount of EU business to be dealt with increased dramatically. New domestic players became involved in the EU game. With the increased policy making in areas such as environment and internal security, the Departments of Environment and Justice moved from being peripheral actors to key departments involved in managing EU business and cross-cutting issues. The growing importance of the European Council in EU policy making enhanced the position of the Irish Taoiseach or Prime Minister in determining the broad contours of Ireland's EU policy. Under the premiership of Charles Haughey in particular (1987-1991), the Taoiseach's office adopted a stronger leadership role and played a key role in negotiating and implementing Ireland's first national development plan using the increased structural funds gained from the Delors I package. The hitherto moribund interdepartmental European Communities Committee was rejuvenated by the Taoiseach's office under Haughey and chaired by a new Minister of State for European Affairs. A high level committee of ministers and senior civil servants was also established and serviced by the Taoiseach's office. These committees were never fully formalised, however, and subsequently relied on prime ministerial will for their existence. Finally, the dominance of the executive in the management of EU business weakened the already limited role of parliament in monitoring Irish EU policy and

added to the process of deparliamentarization evident in political systems throughout Europe (Kassim 2003, p.91).

The electorate's decision to reject the Nice Treaty in 2001 shook the Irish core executive system for the management of EU business to its core. Until 2001, Ireland managed to portray itself as a constructive player in the Union with a relatively *communautaire* approach in general. 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.[5] The 'no' to Nice and the low turnout in the referendum (34 per cent) of the electorate highlighted the fact that the hitherto benign domestic environment towards the EU would not continue and 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). These reforms helped contribute to the success of Ireland's Sixth EU Presidency from January to June 2004 and the final negotiation of the EU's Constitutional Treaty under the Irish watch (Rees 2005).

III. DISSECTING THE SYSTEM

Figure 1 To Be Inserted Around Here: The Irish Core Executive[6]

The structures of the Irish core executive 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 Europeanization found in the respective policy domains of each office and department. It is possible to place the Irish core executive system's management of EU business on three distinct gradations based on this criterion: the Holy Trinity (the hub of EU management), 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. Three over-arching ministries – Foreign Affairs, Taoiseach and Finance – manage Irish EU policy from a macro perspective 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, 2001b). At the second level, or the inner core, EU policies are central or increasingly central to the work undertaken by the Departments of Agriculture, Justice, Enterprise, Trade & Employment and the Environment. Given its responsibility for the translation of all European law into domestic law, the Office of the Attorney General is also included in this level. As EU competence grew from

the 1980s onwards in new policy areas such as environment and internal security and more hands-on involvement in the formulation, coordination and monitoring of new legislation was necessary, some departments (namely Justice and Environment) moved from the outer circle to the inner core. For the departments at the outer circle of core-executive management, 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 they have become involved in the Lisbon agenda.

The Holy Trinity: Departments of Foreign Affairs, the Taoiseach and Finance

The Department of Foreign Affairs assumed the role of lead department on EU matters from the Department of Finance in 1973. Its place at the heart 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. In September 1973, the DFA issued its main circular that that established how EU business should be handled (CH/177/35). Responsibility for day-to-day co-ordination on EU matters was assigned to the DFA. This constituted a break with the past, as the Department of Finance was the lead department in the period leading up to membership. 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, p.2). The department's modernization was characterized by an increase in the number of staff in head office and in Irish missions abroad (See table 1).

Table 1 To Be Inserted Around Here.

Increased resources were accompanied by internal organisational changes with the creation of new divisions, the reorganisation of existing ones and increased functional specialization at head office. Those changes were a response to membership, the demands of managing a presidency and the widening scope and reach of Irish foreign policy. 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 organizational structure in 1999-2000. 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.

Within the Irish system, the DFA is the department with 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 how and what national preferences can be promoted within the EU and in identifying the trade-offs that might be necessary as negotiations develop. The EU Division coordinates Ireland's approach within the EU. The Political Division is responsible for international political issues and manages Ireland's participation in the EU's common foreign security policy and defence issues. The EU 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, b) government departments both individually and collectively.

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. Its role in the conduct of EU business has been considerably enhanced in recent years to the extent that it is now considered as one of the two 'EU coordinating departments' (Interview Official 62, 26.03.02). 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. The department can be brought into any set of negotiations if they become problematic or in the event of deep-rooted interdepartmental conflict. The tendency is 'to delegate and to co-ordinate as required and not to micro-manage' (Interview Official 49, 12.02.02).

The Department of Finance's 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 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 Banking, Finance and International Services Division (BFID) and the Budget and Economic Division (BED). These sections have autonomy and responsibility for policy in respect of issues under their aegis and pull together when going to ECOFIN.

In summary, the roles of the three departments in the core of the system are complementary rather than competitive. The Department of the Taoiseach brings the authority of the prime minister to bear on cross-cutting 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.

The inner core and outer circle

Although EU business now permeates the work of all 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 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. They also tend to be involved in macro-negotiations on cross-cutting issues and have well-established units or divisions devoted to EU and international affairs. ET&E and Agriculture have been key players from 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-organized and politically significant client group. ET&E is multi-sectoral 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 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 this Office drafts every statutory instrument or statute produced in order to transpose EU legislation into domestic law.

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 of 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 has 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. Until 2001, 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 met once every two weeks and was chaired by the Taoiseach.

Table 2 To Be Inserted Around Here.

Following the first Nice referendum defeat, the Irish committee system became embedded in the Irish system with formalisation of the interdepartmental coordinating (chaired by the Minister of State for European Affairs). Senior Officials attend the Committee from each Department, as can the Permanent Representative. 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 attend a number of other, generally ad hoc, inter-departmental committees designed to deal with specific cross-cutting issues that arise.

Figure 2 To Be Inserted Around Here.

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 and staff maintain very close links with their home departments in Dublin. Traditionally, staff numbers had always been small (in 1990s Ireland had the second smallest Permanent Representation in the EU). However, a significant increase in staffing occurred in the 1990s when a number of domestic ministries felt the need for a presence in Brussels. By the 2004 presidency staff numbered more than 140 (including military staff). The incremental process of Europeanization 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 them in the late 1970s and 1980s. In the 1990s and 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. All domestic departments with the exception of the Taoiseach's department are now represented in Brussels. Officials at the representation regard servicing the Council as their core business and the cycle of Council, COREPER and working party business sets the tempo of work in the Representation (Laffan 2001a, p.289). According to one former ambassador, 'the major job of the Permanent Representative is to ask 'is this something we can win' and 'what will I advise the Minister?' (Interview Official 55, 07.03.02). During negotiations, especially those of a sensitive nature, there is continuous and high-level contact between Dublin departments, the DFA and Brussels on the stance Ireland should take.

IV. PROCESSES

In examining processes, we focus on how the structures are animated in reality, that is, how the system lives and the codes, rules and guidelines through which it undertakes business. 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). The DFA did not adopt the role of producing codes, rules and guidelines for the system as a whole. Such an approach would have gone against the deep-rooted convention of the dominance of the lead department in the Irish system. Contact between officials was not formalised or paper driven, with many discussions taking place over the phone (Laffan 2001a, p.292). Lead departments would inform other departments of relevant negotiations on a need-to-know basis. There was no formal procedure put in place for the production and dissemination of briefing documents. Nor was Ireland's performance in implementing EU legislation tracked. However, the need for improved parliamentary scrutiny following the Nice 'No' did lead to the introduction of new rules and guidelines. These are discussed in the section on parliamentary scrutiny.

As mentioned above, the preparation of briefing material is not systematised in the Irish system at all levels in the hierarchy. There is little 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. 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, the practice of reporting on negotiations does exist within government departments. The DFA, 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 on report writing and the circulation of such reports can be more hit and miss.

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 Core Executive must also ensure 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 DFA receives notice of infringements reasoned opinions and notice of 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 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 (Houses of Parliament). All formal communications from the Commission to Ireland come to this section via the representation in Brussels. The DFA 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 Official 51, 12.02.02). 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 JHA or financial affairs, the circulation of information can be more limited. Following the attack on the Twin Towers in New York on September 11, the Department of Justice handled negotiations on the European Arrest Warrant, informing only Foreign Affairs, the Taoiseach's Office and the Office of the Attorney General of the tenor of the negotiations. Justice was responsible for the Irish position

in the negotiations and the interdepartmental forum was established to share information on the progression of the negotiations with the other departments affected (Foreign Affairs, Office of the Attorney General and Taoiseach). The Department of Finance can be similarly reticent. Finance handles all ussies relating to Ireland's participation in EMU and is careful to inform other departments of developments purely on a need-to-know basis: 'Finance know what they are doing but don't share information' (Interview Official 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.

Coordination

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 centralization' (Kassim 2003). 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 negotiations on the reform of the Common

Agricultural Policy,[7] the 1996 and 2004 EU Presidencies and the 1999 multi-annual budgetary negotiations (Agenda 2000).

V. 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. 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:

> 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 [recruitment and promotion] panels to such skills might not be great' (Interview Official 53, 12.02.02).

There is no specially trained EU *cadre* in the system or no 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. Irish officials try to avoid isolation in negotiations and, as one official argued, 'Ireland has fewer guns, and not many bullets so it must pick its fights carefully' (Laffan, 2001). 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. Considerable attention is paid to tactics, that is, discerning the negotiating positions of other member states and the working out of trade offs between negotiating camps.[8] 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, there 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*, as officials see themselves fighting for 'Ireland Inc'. Third, 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, p.124). On accession, 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 codified in the 2002 EU Scrutiny Act. The parliamentary link for the new procedures is the EU Scrutiny Sub-Committee of the Joint Oireachtas Committee for European Affairs. All EU related documents are deposited in the DFA's EU Coordination Unit and passed on to relevant departments to prepare briefing notes. These briefing notes are then transmitted to the Scrutiny sub-committee to be examined on a two-weekly basis. With the help of a policy advisor, the Sub-committee identifies EU legislative proposals that are significant enough to merit parliamentary scrutiny by the relevant sectoral or departmental parliamentary committees. 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. Differences of opinion have been extremely rare as a high degree of consensus exists between the sectoral committees and departments on issues ((Interview Official 78 27.10.05 and Sub-Committee on European Scrutiny, Second Annual Report 2005). 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. The need for Government departments to prepare notes for the Oireachtas committee has ensured that within each department, formal systems must be put in place to ensure that such notes are prepared.

VI. BALANCE SHEET

The Irish approach to the management of EU business has been consistent over time and change when it has occurred has been gradual and incremental. On accession in 1973, structures and processes were firmly put in place for managing EU business with the Department of Foreign Affairs as interlocutor between the EU and the domestic. Key features of this system included strong departmental autonomy, weak processes of interdepartmental coordination and a weakly institutionalised committee system. The Irish officials responsible for managing the EU-domestic interface were small in number, and had a pragmatic, cohesive and collegial style of doing business. These charateristics remained virtually unchanged until the resurgence of EU integration in the late 1980s with the enhancement of the Department of the Taoiseach's coordination role. However, the electorate's rejection of the Nice Treaty in June 2001 was the first considerable shock encountered by the Irish political and administrative system and led to significant systemic change. The critical juncture created by the Nice 'no' led to increased formalisation of the structures and processes in place in order to manage EU business.

Nice I was a major domestic shock to the system of core executive management of EU business in Ireland. Until Nice I, 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 the first Nice referendum the Irish government and political class miscalculated and took this positive support for granted. 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 (Interview Official 51, 28.02.02), 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. At the same time, the result brought the core executive's management of EU business sharply into focus with the realization that the system needed to re-engage with the EU. This inevitably led to soul searching and questioning at political and official level with talk of ' a need to recharge the batteries on Europe, to go into a new mode and organize accordingly' (Official 39, 12.02.02).

The establishment of the National Forum on Europe[9] helped highlight the issues at stake amongst the electorate in advance of the second Nice referendum and helped contribute to the yes vote in Nice II. At the same time, the core executive re-engaged with Europe, with the formalization of EU coordination processes and the improvement of parliamentary-executive relations. These reforms contributed to the successful sixth EU Presidency in the first half of 2004 and fed into the successful conclusion of negotiations on the EU's constitutional treaty. Once again, the Irish core executive was back on top, showing itself to be successful in positioning Ireland in the EU system and in responding to domestic challenges.

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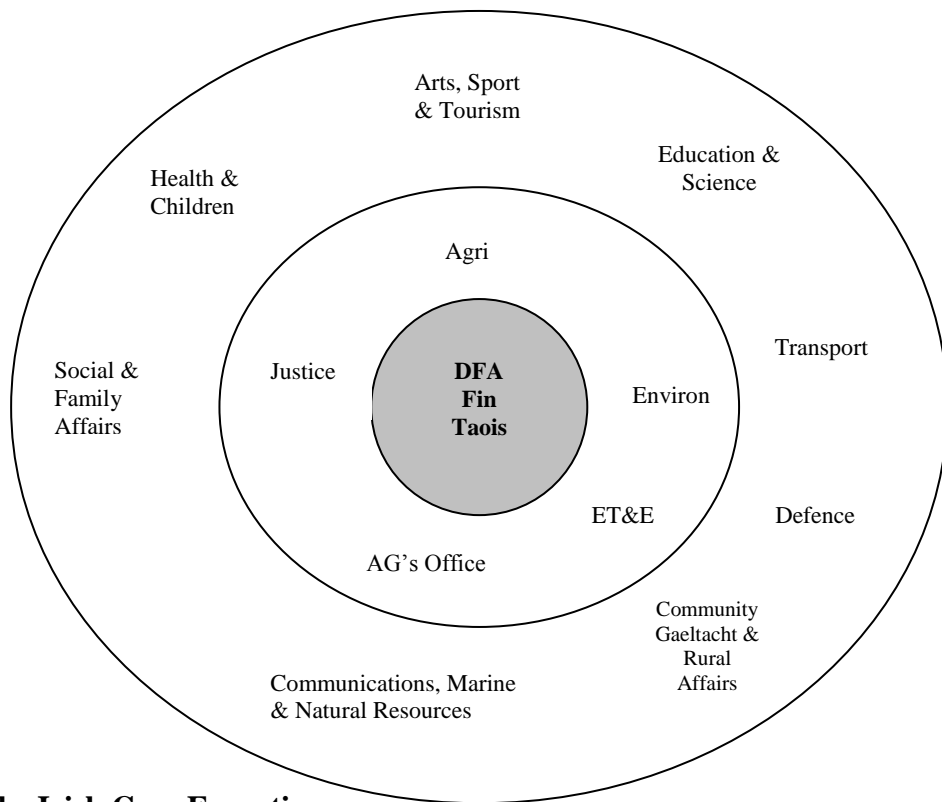
Figure 1: The Irish Core Executive

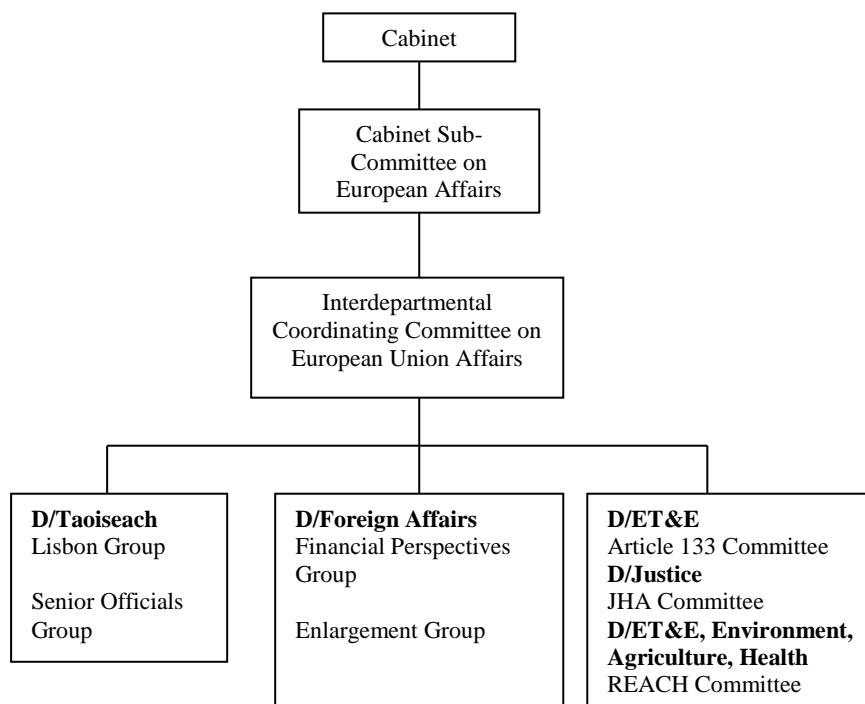*Figure 2: Central Committees for the Organisation of Cross-Cutting EU Issues*

Table 1: Department of Foreign Affairs Staffing

Year	Total Number in DFA	Total Number in Economic/EU Division
1967	40	6
1971	51	11
1974	87	31
1979	114	27
1982	130	30
1986	136	29
1988	125	24
1992	123	15
1995	126	19
2000	175	19

Source: Irish State Directories, 1967-2000.

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)
1994-1999	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
2002-2004	Interdepartmental Coordinating Committee on European Union Affairs	Roche (Minister of State)
2004-	Interdepartmental Coordinating Committee on European Union Affairs	Treacy (Minister of State)

ENDNOTES

[1] The material that forms the basis of this study was gathered from an extensive series of semi-structured interviews with those involved in managing Ireland's EU affairs in 2000, 2002/3 and 2005 respectively.

[2] Knill makes a distinction between the instrumentalities for managing the EU-domestic interface (where we do see convergence in the form of foreign ministries or prime ministers' offices acting as interlocutors between the EU and the domestic) and the underlying political and administrative core of the national systems where divergence continues to be evident (Knill 2001, p.35-37).

[3] The 2001 referendum became known in common parlance as Nice I. The second referendum in September 2002 in which the electorate voted in favour of the treaty became known as Nice II.

[4] Finance, Industry and Commerce, Agriculture and External Affairs.

[5] It has been said that Irish governments agreed to projects such as economic and monetary union and foreign and security policy reforms in return for increased structural funds, a strategy termed 'conditionally integrationist' (Scott 1994).

[6] DFA = Department of Foreign Affairs, Fin = Department of Finance, Taois = Department of the Taoiseach, Justice = Justice, Equality and Law Reform, Environ = Department of Environment, Heritage and Local Government, AG's Office = Attorney General's Office, ET&E = Department of Enterprise, Trade and Employment, Agri = Department of Agriculture and Food.

[7] The so-called 'super-levy' negotiations where quotas were placed limiting the amount of food/milk etc farmers could produce in return for financial receipts.

[8] The Irish have gained a reputation for tactical thinking. In the 2004 intergovernmental conference on the EU's constitutional treaty, former UK Commissioner Chris Patten noted Taoiseach Bertie Ahern's 'tactical wizardry' in the negotiations (Patten 2005, p.128-9).

[9] The National Forum on Europe comprises of representatives from political parties, interest groups, non-governmental organisations and individual citizens. From late 2001 to 2004 the Forum travelled throughout the country conducting public meetings and debates on EU issues.