

The Europeanization of Irish environmental policy: the triumph of policy style over substance?

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1. Overview

Irish environmental policy has unquestionably been altered through its engagement with over three decades of EU environmental policy-making. Where before her entry into the then EEC in 1973, Ireland had a somewhat minimalist and British influenced corpus of environmental regulation, she can now point to a much larger, more diverse and more Europeanized body of environmental policy. Europeanization has then certainly increased and modernised the content of Irish environmental policy. Yet, the style and structures of Irish environmental policy have been much less influenced by the EU.

Moreover, as Ireland has experienced record levels of economic growth in the last decade, the ability of the EU to encourage a shift towards sustainable development appears limited. Measures of Irish environmental decline continue to show worrying trends, alongside a seriously weak Irish implementation of EU environmental laws. This is leading to growing legal conflict with the Commission and Irish environmentalists.

Indeed Irish enthusiasm for a more proactive type of relationship with EU environmental policy has not grown to the levels seen in the ‘greener’ small member states, and it is significant that Irish pollution abatement expenditure is low in comparative terms, at about 0.6% of GDP (OECD, 2000, p.21). Europeanization appears then of limited impact in terms of changing Irish cultural mindsets and attitudes towards environmental protection.

Moreover, it is important to note that Irish environmental policy developments are not exclusively influenced by EU agendas and debates, even if EU policy leadership has been extensive. A more nuanced picture of the Europeanization of Irish environmental policy is therefore presented here. Ireland has emerged as an essentially pragmatic

'taker' of environmental policy within the EU process, and Irish environmental policy is certainly stronger because of this influence. Yet environmental attitudes and preferences, as well as domestic policy structures and style, arguably continue to hold Ireland back from engaging more proactively with the EU's environmental *acquis*.

2. National attitudes to Europe and the Environment

When Ireland joined the EEC in 1973, it was a relatively poor peripheral state, with a national GDP per capita one third less than the average of the original six member states. Moreover, her economy was still dominated by traditional agriculture. Today, thanks to large-scale inward investment by trans-national capital and also by a large share of EU Cohesion funding since the mid 1980s (Pereira, 1999), Ireland has experienced soaring growth rates of circa 9% per annum since 1994, and a much wider industrial base of high-tech computing, chemicals and pharmaceutical firms (OECD, 2000, p.19, Breathnach, 1998).

While this period between 1973-2000 enjoyed a dominant political consensus strongly supportive of further European integration, a realisation has evolved that there exists a growing range and depth of structural environmental problems related to this new found prosperity. Equally, the recent Irish voters' rejection of the Nice Treaty, in a referendum of June 2001, albeit on a very small turnout¹, suggests that Irish support for further European integration is no longer unproblematic or unqualified.

Irish environmental problems at the time of accession in 1973 were mostly small in scale, and the environmental consciousness of the Irish public was limited. Indeed some 'heritage' movements of the pre-1973 period, focused merely on the preservation of historic buildings, rather than nature conservation (Mawhinney, 1989, Tovey, 1993).

Specialised state environmental administration was also relatively undeveloped before 1973. It is true that Ireland did not merely have a blank page as regards environmental policy prior to joining, but environmental policies were relatively few in number. Moreover, they were usually influenced by early British pollution and planning legislation. In a few cases even laws of Victorian vintage were relied upon, as was the case for some water pollution laws² (Blackwell, et al., 1983, Taylor and Horan,

2001:371, Scannell, 1982: 62). In other words, Ireland was a passive 'taker' of environmental policy content long before the EU became a factor.

Finally, the Irish civil service/administration at this time (and even still today) had very much an institutional identity and mindset somehow in the mould of the British tradition, with a small size, a centralised hierarchy and a generalist professional training among its chief characteristics.

By the end of the 1970s, domestic environmental protest began to emerge over proposed (then abandoned) nuclear energy initiatives and over urban heritage disputes. There were also a few cases of rural community based opposition to industrial and mining developments (Tovey, 1993, Allen, et al, 1992). Yet this limited environmental 'protest' politics of the late 1970s was not a bi-product of the growing corpus of EU environmental policy coming from Brussels. Instead its social origins appear more diffuse and indigenous. It is then important to reiterate the particularly domestic nature of many contemporary environmental issues in Ireland.

Indeed Irish opposition to British nuclear waste disposal in the Irish Sea remains a peculiarly salient issue for the body of Irish environmental opinion such that it exists. This controversy also reveals that the Irish are quite capable of pursuing their environmental policy diplomacy goals within the frameworks of the non-EU policy regimes³ (in this case OSPAR⁴) as much as within the substantive EU legal order (O'Donnell, 1991, p.121-122, ENDS, 306).

3. The Europeanization of Ireland

There is a broad academic consensus that Ireland as a polity has been profoundly affected by her membership of the European Union since 1973, both in terms of economic development, but also in terms of a wider social modernisation (Keatinge, et al, 1991, Laffan, et al, 1998). One general observation has been to stress a quite mixed picture of both continuity and change being evident in Irish public policy. European integration then has involved a dynamic two-way political process: domestic policy trends and the preferences of key domestic actors are often both confirmed but also challenged by EU interactions (Laffan, et al, 1998).

For example, in certain policy sectors, such as those of women's rights, consumer protection, and health and safety policy, the EU influence has been so central as to be at times almost dominant. Certainly participation in the EU has comprehensively shaped and moulded domestic Irish policy responses in these areas (Keatinge, et al, 1991). However, there are obvious limits to the reach of Brussels based policy leadership in Ireland, given the difficult and often opaque politics of implementation (Keatinge, 1996: 235). In this case, national and sub-national policy networks have retained their capacity to steer policy outcomes and even to influence Irish negotiation tactics in Brussels.

Traditionally, the greatest diplomatic and administrative effort has been expended on the core areas of national interest regarding EU negotiations, such as the CAP, cohesion funding and regional policy. There have been a few attempts to upload domestic ideas on policy innovation, as regards social policy and poverty alleviation, but this is not typically a strong feature of Irish participation in the EU.

In summary, the general Irish experience of Europeanization is perhaps best understood as a complex and dynamic process, involving multiple actors, who have focused on a core set of policy areas of paramount interest.

4. The Europeanization of Irish environmental policy

These words of qualification notwithstanding, Ireland's environmental policy does appear to be one sector that was especially ripe for 'Europeanization'. While Ireland has not featured strongly as a distinctive state in most Environmental Council meetings, certainly not as a 'leader' state, it has also avoided joining any supposedly explicit 'laggard' camp either⁵. Moreover, while Irish negotiators have seldom tried to 'export' domestic environmental policy initiatives, they have been pragmatic 'takers' of policy ideas and instruments at the Brussels level.

Irish negotiators appear to see the EU's role as one of providing ready-made policy solutions, 'off the shelf' as it were. This can be rationalised as quite functional for any small state that cannot possibly have the level of expertise to engage in indigenous environmental policy development. Such an approach is also consistent with a certain distinctive Irish elite held view of the EU process as a 'modernising/improving' influence on Irish society.

One other reason why the Irish have been ready to accept much of the environmental *acquis* must be due to the level of transfers and side payments offered by the EU. For example this was most notable with the Directive on Urban Waste Water which involves spending of circa 130bn ECU between 1993-2005⁶ (CEC, 1999, p.24) and it was framed therefore as a giant step forwards in terms of technical modernisation of the state's waste-water infrastructure. In general then, Europeanization has promoted the paradigm of 'ecological modernisation' in Ireland, although such views are rarely coherently expressed by the main policy actors as part of any general account of environmental regulation.

To conclude, a strong focus on pollution control, and a vaguer acceptance of ecological modernisation more generally, characterise the main innovations which EU leadership has engendered. More specifically, the exact drafting of Irish environmental laws is now more influenced by EU legislation, where before British legislation would have exercised an influence.

4.1 The Europeanization of Irish environmental policy content

Objectives/Policy Paradigms

One puzzle about Ireland's participation in EU environmental policy relates to a surprisingly willing acceptance of high EU environmental standards. After all one would expect a relatively poor industrialising state to prefer more growth and lower environmental standards. Yet the Irish have accepted a technical and pragmatic consensus towards high standards. This is rationalised as producing regulatory certainty and ultimately manageable costs.

However, this has not stymied some occasional debate over high standards. Indeed in at least one known case Irish officials have pleaded the very British defence of an Atlantic maritime climate to justify a preference for ambient environmental quality standards (EQS) based approach, rather than the more German influenced emission-technology driven path (A Campo, 1991, p.116-117). Regarding this long overplayed conflict between these two approaches, Ireland appears to slightly favour the British view, but has been ultimately pragmatic on this issue. For example the compromise whereby both

approaches are accepted as part of the recent Framework Directive on Water likely approximates Irish preferences.⁷

It is vital to note that not all Irish efforts in the area of pollution control have been motivated by ‘Europeanization’. In fact in the 1980s the Irish authorities developed their own integrated permitting regime, largely to facilitate a then emerging high-tech chemicals and pharmaceutical sector which badly needed modern regulation. At the same time new EU emission standards for air and water agreed in the late 1970s and early 1980s required implementation. Both trends neatly resulted in legislation in the early 1990s to establish an Irish Environmental Policy Agency, whose job is now primarily the licensing and supervision of integrated emission permits⁸. Crucially, this predates the EU IPPC directive of 1996 by at least several years, although clearly Irish officials learned from Commission research in that direction during the mid 1980s⁹.

This intriguingly suggests that apart from ‘Europeanization’, Irish industrial development strategies have acted as a ‘driver’ for indigenous regulatory innovation, which then accommodates itself with EU norms and policy debates. Indeed it can be argued that the creation of the EPA and the shift to integrated permitting borrowed much from policy developments in the UK, and especially from indigenous policy learning (Taylor and Horan, 2001). Consequently, we should be wary of ascribing every development to the EU.

Policy Instruments

Because the EU has in comparative terms failed to develop a wide range of diverse instruments, Ireland has mainly focused on downloading Directives and the Regulations, which tends to confirm an already pre-existing bias towards legal outputs being regarded as the main policy instruments of worth. Comparatively few experiments with non-legislative outputs have been tried. Indeed the one leading case where the Irish have experimented with voluntary instruments (see below) has emerged as a consequence of implementing the EU Directive on Packaging Waste, which actually encouraged such approaches.

Generally waste policy is a good example of an area where substantial change in Irish policy content has occurred as a direct result of the EU. In the case of packaging waste,

domestic Irish industry led by the highly professional environmental affairs bureau of the Irish Business and Employers Confederation (IBEC), copied the German DSD approach and negotiated a similar scheme with the Irish state. A not-for-profit company, REPAK, has emerged to tackle the issue, but so far with mixed success. Indeed this voluntary agreement has encountered some setbacks (Brennan, IT, 2001, O'Brien, IT, 1999).

As regards municipal waste, Ireland lags far behind continental EU states in terms of the sophistication and vigour of her response. In particular, over the last two years the Irish state has faced political controversy in forwarding a belated national waste strategy which emphasises a shift away from the often poorly managed landfills of the past, towards recycling and waste-energy recovery approaches (Barrett and Lawlor, 1996, Brassil, 1996). One particularly serious failure has been with regard to illegal waste dumping and hazardous waste, with as much as 20% of such waste remaining unaccounted for¹⁰ (OECD, 2000, p.25).

Overall the waste sector as defined by Irish policy 'insiders' appears to be moving in step with Brussels led policy thinking in terms of instruments, but there is nonetheless domestic resistance to paying for increased waste charges, which are often presented to local residents in a given municipality as justified under the 'EU polluter pays principle'. There is also local environmentalist opposition to thermal waste-energy recovery technology as well. As regards other sectors, the EU influence in policy content has been less all encompassing, for example air pollution policy in the 1980s was fixated on municipal smog and agreeing localised 'coal bans'¹¹ rather than merely implementing EU norms (OECD, 2000:107, MacDonald, 1988).

The setting of Irish policy objectives and instruments

Perhaps given its semi-colonial history, but also the fragmented and small-scale nature of the environmental movement that emerged in the 1970s, the setting of Irish environmental policies, after 1973 has sometimes been agreed and implemented in a less than consensual way.

In particular EU Directives on nature, habitats and birds legislation appear to be obviously bogged down over the precise details of setting compensation levels or

defining sites for protection. Irish experiences with the Habitats and Birds directives then are characterised by serious domestic conflict and resistance, as revealed in impending Commission legal actions over poor implementation. This has been less of a problem in the air, water and waste sectors, but even here problems have emerged. For example the Irish authorities have downplayed nitrates in groundwater, in favour of focusing on the problems of phosphates in surface water. The Irish have thus been unable to designate any nitrate management zones, in part because agreement on what areas were at risk or a priority was limited (Coffey, IT, 2002).

It is weaknesses then in implementation that continues to undermine the instrument setting process. For example in the case of habitats, there is a failure to comprehensively designate all relevant land sites, and to provide the required legal safeguards backed up by compensation for landowners (Grist, 1997). Legal protection for conservation sites then must be imposed, and usually requires financial compensation. Such conflict is perhaps not that surprising given the cultural sensitivity of land ownership in Ireland.

Even where some regulations in the nature conservation area have been quickly agreed and passed into law, these have often been ineffectual. One set even earned the dubious nickname of 'orange peel' regulations, because they merely prohibited littering rather than more substantive measures! Indeed it is highly revealing that in practice, the laws which Irish environmentalists typically rely upon to protect vital Birds or Habitats sites, are often domestic Irish planning acts, rather than the provisions of EU Directives which take time to be implemented properly (Galligan, 1996, p.185).

Conclusion

To conclude this section on policy content it is worth finally examining policy sub-sectors that are perhaps representative of a more balanced and mixed experience, showing both conflict but also consensual adaptation in equal measures. Irish air pollution policy in this regard has been thoroughly Europeanised both through new legislation in 1987, which provided a template to implement several EU directives, and through the EPA cross media permitting approach since 1993. Irish concerns on air pollution now focus pretty much upon meeting EU norms or follow EU thematic concerns, with domestic traffic and coal related pollution concerns having then arguably been encompassed within a more generalist focus.

As regards water policy, the battery of distinctive ‘water use’ directives of the late 1970s¹² appear to have been accepted fairly uncritically by the relevant Irish authorities at that time. As many of these old ‘water use’ directives have been reworked into the text of the recent Framework Directive on Water, Irish responses to that legislation reveal a pragmatic acceptance of much of the new approach. The reconciliation between EQS and emission standards was welcomed, as was river basin management structures, which should be relatively easy for the Irish to implement as they have experimented with catchment water management plans in the early 1990s¹³. The one major issue where Ireland objected however, was as regards water pricing as an instrument, in the end securing a derogation allowing Ireland to avoid any domestic water charges for conservation purposes (OECD, 2000, p.22).

Summing up one can say that the Irish experience of Europeanization of policy content reveals that it is perhaps instruments, rather than paradigms, policy objectives or settings, which have been the most ‘Europeanised’. However, even here, EU Directives and Regulations, have partly confirmed a certain Irish preference for legal outputs which existed before accession, even if their actual policy content is now much altered.

4.2. The Europeanization of Irish environmental policy structures

To what extent have Irish environmental policy structures been Europeanised? Here I argue that a more limited picture emerges: Irish policy structures have indeed been challenged and prodded into some changes, but many features of institutional continuity persist which result in a policy-making structure which can be judged as essentially small in scale, conservative by nature, and enjoying poor levels of political and popular support. Institutional power relations between different levels of governance have not been decisively altered by Europeanization, such that centralisation at the national level is a strong feature. One major change however, is that interest groups (environmentalists and industry lobbies) have been actually empowered and are now greater policy ‘players’ than they were before 1973.

Legal structures

Irish legal structures have been immersed into a variety of complex and detailed legal innovations that give effect to EU laws. During the 1980s, the implementation of

several directives was attempted merely by communication through administrative notifications to local governments, rather than with proper secondary or primary legislation by the Irish parliament (Laffan, 1989).

After successive complaints by the Commission, there has been a trend in the 1990s for the more important Directives to be implemented by substantive primary legislation. An example of this is the Waste Act of 1996, which gave effect to the Packaging Waste Directive. While this has improved the legal structures of policy implementation, further regulations made by ministerial order are often required (Fitzsimons, 1999a, pp.66-67). Yet these are frequently delayed, and the Irish still frequently scramble to meet implementation deadlines. In several cases the Commission has abandoned infringement proceedings only at the very last minute after the Irish enact some regulations that give effect to a Directives' provisions. This was the case regarding access to environmental information, for example (CEC, 2000b, pp.66-77, CEC, 2000a, pp.61).

Such problems have fuelled an increasingly heated public debate about implementation. Indeed domestic environmentalists almost continually complain to the Commission about Irish implementation failures, which are significant: with 1% of the EU's population the Irish account for 10% of all environmental complaints the Commission receive (Coffey, IT, 2002). Currently, Ireland faces numerous infringement proceedings and investigations over a very wide range of EU environmental legislation¹⁴.

Such woeful implementation is also of course a function of the problems today arising from the dynamic patterns of consumption in the new Irish '*Celtic Tiger*' economy (OECD, 2000, p.20). Ireland also lacks a mature utilities and physical services infrastructure for historical reasons, which exacerbates car dependency and traffic related pollution, or in the case of rural drinking-water consumers, means they are exposed to serious water quality risks (OECD, 2000, p.22).

Government Institutions

What has changed in Irish government environmental policy institutions as a result of Europeanization? In fact it is intriguing just how limited change has been. For example, the national ministry with responsibility for EU environmental policy, the Department of Environment and Local Government (DoELG) has unquestionably developed a

greater role in environmental affairs, yet it still remains a small institution. Prior to 1973 environmental issues were left very much to the ‘fringes ‘ of this department (Taylor and Horan, 200: 378). While it is clear that a focus on environmental issues has been upgraded as a direct result of EU participation, nonetheless the exact number of staff working on environmental policy remains very small. Circa 63 out of a total of 622 in the Department, or around 10% (DoF, 2000, p.174-177). This leaves the majority of the Department’s staff to deal with typical local government issues, such as roads and housing. On the positive side this is an opportunity for environmental policy integration and gives environmental policy officials membership of a high spending department in internal Cabinet politics¹⁵. Yet while there is change here, it is small in scale. Moreover, this small administration must be often overloaded by the sheer scale of the environmental *acquis*.

The work of the environment policy staff within DoELG has arguably been made harder by fragmentation of the environmental portfolio, with responsibility for Habitats and Birds Directives assigned to a separate Department of Arts, Culture and Gaeltacht¹⁶, which deals with heritage and culture policy. This department has about 250 staff in a *National Parks and Wildlife Service* (OECD, 2000, p.39).

As regards Brussels representation, a full time official of first secretary rank from DoELG is seconded to Ireland’s COREPER working groups and keeps in regular touch with other Departments’ staffers as well as with the DoELG back home in Dublin (Laffan, 2001: 281-282). In general terms Ireland maintains one of the smaller diplomatic teams in Brussels, but it is far larger than most other Irish diplomatic representations. Moreover, it prides itself on considerable skill and flexibility in the opaque circuit of ‘corridor chats’ and the clubbable deal-making which COREPER often involves (Laffan, 2001: 295).

Parliament

Europeanization has not decisively altered the Irish Parliament’s traditional limited role in environmental policy-making, other than occasional bouts of legislative vigour. With both a lower and a much weaker upper chamber, it is not generally regarded as a decisive ‘working parliament’, and hence it has only a limited role in terms of its impact on the implementation of EU environmental policy (Coakely, et al., 1999, p.201-203).

The committee system in particular has long languished in a somewhat ineffectual state¹⁷.

Centre-local environmental policy relations

Ireland is a highly centralised state and her 88 local governments (mostly either City or County Councils) remain heavily controlled from the political centre in Dublin. For example, non-political professional city and county administrative ‘managers’ are appointed by the Minister for the Environment. These enjoy considerable status, a powerful agenda-setting role and some discretionary powers.

There is also a widespread permeation between the central and local level (*cummul des mandates*), which tends to ensure that central and local government share key decision-makers, further reinforcing centralisation. Regional authorities were created in 1994 (after years of Commission prodding) but these have very small budgets, few specific competences, and their representatives are not directly elected.

All of this rather limits the scope for local elected representatives in environmental affairs. In any event, the sheer volume of EU environmental policy work has meant that local governments have been swamped over the last three decades. Consequently, new directives are likely seen by local governments more as a burden than as an opportunity, unless EU funding comes attached. This is especially so given that the general form of local implementation, will in practice be decided nationally by DoELG.

Moreover, the Irish Environmental Protection Agency Act (1992) has encroached upon some local governments’ environmental policy duties as regards permitting and licensing of installations, because of their limited technical expertise and a fear of local political pressure to attract industry at any cost (Barry, 1996, pp.155). Indeed the EPA has grown significantly as an institution throughout the 1990s and now commands a budget of IR£12.3m and a staff of circa 189 (OECD, 2000, p.39).

To conclude, local governments are not normally proactive in Irish environment policy. They have not been empowered by Europeanization, as central governments have clearly managed to hold sway. There are some signs that a few County Councils are developing expertise to cope with concentrations of environmental problems, as for

example in the Cork area where much of Ireland's chemical industry is located. Yet this seems driven more by local concerns, rather than as a product of Europeanization. Generally then, Irish local governments remain 'takers' of policy not merely from Brussels, but also from their administrative and political masters in Dublin.

Policy Co-ordination Structures

Europeanization has meant that some greater efforts have had to be expended on policy co-ordination, although this is not traditionally a strong point of Irish administration. In particular such co-ordination is often ad hoc, and centralising in its style.

In practice *de facto* co-ordination is provided by the powerful and fiscally cautious mandarins of the Department of Finance and the general supervision effect of the somewhat conservative Irish cabinet system (Coakely, et al., 1999, p.256-57). Ryall, for example, describes how the Department of Finance even kept a close eye on the implementation of EU Directives on access to environmental information (Ryall, 1999, p.141). While some studies have been carried out between DoELG and the Department of Finance on 'greening the budget', these have produced only minimalist fiscal incentives to date.

Moreover, the large Department of Agriculture, along with the Department of Foreign Affairs, typically dominate Irish efforts regarding most Brussels based diplomacy and negotiation. In fact, the Common Agricultural Policy (CAP) and Cohesion funding still represent two central areas of interest for most Irish governments in EU affairs. This inevitably leaves environmental matters trailing a little behind for attention.

A new inter-ministerial committee on environmental affairs was created in 1994, termed the '*environmental network of Government departments*', although it is hard to discern how much serious co-ordination this delivers. Indeed such interdepartmental co-ordination seems to enjoy only periodic influence, with for example another steering group set up between Departments to examine sustainable development indicators in 1998 (OECD, 2000, p.27, 41). In fact Ireland has a tradition of extensive use of ad hoc inter-departmental groupings to address specific environmental issues, only to see these often fail to achieve much (Keatinge, 1996: 241, Mullally, 1983: 407-409).

Interest group participation

Interest groups have generally been empowered by the Europeanization process, especially in the agricultural sector (Adshead, 1996). Irish industry has developed a strong profile on environmental affairs through the Irish Business and Employers Confederation (IBEC). For example IBEC's environmental policy team played an influential role in shaping Irish policy responses to the Carbon tax proposal of 1992 and in the waste sector.

Environmentalists remain a much weaker force generally in Ireland, which can be illustrated by noting that Irish Greenpeace actually dissolved in the late 1990s. Consequently two groups stand out for their formidable European contacts and track record of long standing activism. These are; *An Taisce/The Irish National Trust*, and *Birdwatch Ireland*, which often works closely with the British Royal Society for the Protection of Birds (RSPB) and *Birdlife International* in Brussels. In contrast, some well-known Brussels based environmental NGOs of standing, for example Transport and Environment (T&E), have no direct link with any Irish environmentalist organisation.

Yet there is no doubt that Irish environmentalist NGOs have played an important role in providing the Commission with detailed information about the exact status of Irish implementation of EU environmental policies on the ground. In this way one can say that it is now a feature of environmental activism in Ireland that it is thoroughly Europeanised. Irish Environmentalists are eager to complain to the Commission, petition the European Parliament, and use Irish courts as springboards to hopefully score an environmental 'victory' based on some point of European environmental law (Galligan, 2000).

To conclude, while obviously the sheer scale of the environmental acquis has provoked institutional readjustment from Irish authorities, it is interesting how many domestic policy structures remain confirmed or only slightly changed.

4.3 The Europeanization of Irish environmental policy style

How best can one describe the Irish policy style and has it changed through the process of Europeanization? If we adopt Van Waarden's (1995) schema, it is obvious that participation in EU environmental policy has mostly confirmed aspects of the Irish policy style.

The first dimension described by Van Waarden (1995) is the extent to which a given policy style is either market focused, state-led or associational in direction. In this regard the Irish experience has seen the state-led style dominate perhaps for most of the period between 1973-2000. A comparative lack of market based instruments is indeed a distinctive feature of Irish environmental policy, and IBEC representing Irish industry, has notably resisted imposition of fiscal measures (IBEC, 1997: 7.1-7.5). Some experience with voluntary instruments has begun, notably the REPAK scheme described above. Yet Ireland stands out as offering only this single case (Börkey and Lévêque's, 2000: 44), although some very small agreements on bird conservation and farm plastics recycling have since emerged (Flynn, 2002).

The second dimension examined here relates to whether the Irish problem-solving style is either active or reactive. In this case most Irish environmental policy was and remains reactive. For example Irish negotiators seldom attempt to export their own environmental policy proposals, in preference to seeking amendments of Commission proposals. That said, Ireland does however form part of one distinctive sub-group together with Austria and Denmark, who attempt to 'upload' concerns regarding nuclear energy and radiation pollution¹⁸.

Generally speaking, Irish negotiators have a very strong regard for Commission leadership. The Commission is seen as something of a protector of small states' interests by the Irish, yet this factor notwithstanding, Ireland does not in general appear to take a predictable coalition formation pattern in Environment Council meetings, instead preferring a cautious approach of taking care when and where to make an intervention.¹⁹

The third dimension of policy style discussed here addresses the scope of policy discourses and decisions: are they comprehensive or more fragmented and incremental? Irish experiences of EU environmental policy clearly fall into the latter category. Symbolic of this is the fact that Ireland has failed to develop a credible and

comprehensive national environmental policy plan to implement the principle of EPI. It is true that Ireland has produced a National Sustainable Development Plan (DoELG, 1997), but this document mostly focuses on actions that are procedural or managerial, rather than involve ambitious structural measures, or set strong targets on emissions reduction. Moreover, Irish commitments made on greenhouse gas emissions as part of the Kyoto and earlier Montreal and Rio processes, are already being breached (Coloe, 2000). Additionally, environmental policy at the national and local level in Ireland remains poorly integrated with related policy sectors: transport, energy and agriculture.

The fourth dimension of policy style explored in Van Waarden's (1995) typology relates to whether an adversarial, consensual or paternalistic manner of interaction is dominant between Irish public and private actors. Here one can say that for the most part Irish state interactions with industry have been consensual. However, relationships with environmentalists by way of contrast have often been adversarial in style. Indeed threats of legal action by environmentalists frequently occur citing the directive on Environmental Impact Assessment (85/337) (Fitzsimons, 1999b). Conflict and suspicion between state, industry and a weak and diffuse environmental movement have therefore continued.

The fifth dimension of policy style in Van Waarden's typology can be expressed in the contrast between legalistic versus pragmatic approaches to environmental regulation. Both aspects have in fact traditionally featured heavily in the Irish experience before and after 1973. For example civil administration is deeply pragmatic (in the British tradition) when it comes to internal policy evaluation, and there may be much less emphasis on abstract policy models used to inform such administrative reflexivity. A discourse of administrative 'common sense' then appears still dominant, while at the same time a strong belief in conventional legislative instruments remains.

Finally, one aspect of policy style worth considering is whether policy networks have a largely formal or informal character. Irish experiences with the EU tends heavily towards extensive informal networking, although there has been a recent attempt to create a more formal partnership structure to bring together diverse stakeholders around the issue of sustainable development in a national forum, called *Comhar*.

Yet the small scale of Irish society and the cultural premium placed on strong interpersonal communication all conspire to drive the Irish policy style towards informal networking between politicians, administrators and industry or environmental lobbyists. In fact rather than challenge this trend, which was anyway evident before 1973, participation in EU environmental negotiations has tended to make a virtue of this feature, insofar as this appears to confer a greater degree of flexibility.

In conclusion, it does not appear that very many features of a pre 1973 Irish environmental policy style have been significantly altered by Europeanization. To use the dichotomies of consensual versus imposed styles, and that of anticipatory versus reactive styles (Richardson, et al. p.13), one can say that while the Irish case matches a consensual/reactive description here, there is a greater degree of imposition. Crucially, these trends were evident well before entry in 1973. In fact the stress on informality, the fragmented nature of policy interventions, the state leadership role, and the adversarial legalism, were already in embryonic evidence prior to membership in 1973.

5. Conclusions

In summary, Ireland appears to have been willing to go along with much of the EU environmental policy, if not out of a genuine ecological concern, then at least out of a belief in the functional benefits of centralised policy leadership which Brussels offers to a small peripheral state. Irish elite expectations moreover appear to have accepted a dominant EU role in environmental policy as part and parcel of a comprehensive state and societal modernisation. Expectations by the dominant Irish policy actors of such a modernisation effect have surely been confirmed in the development of a more sophisticated environmental policy content than before accession.

However, it has obviously not been all 'plain sailing' for the Irish. While the focus on detailed legal instruments, the Directive and Regulation, has fitted into the Irish regulatory mindset, the more recent interest in novel regulatory approaches, voluntary agreements and market-based tools, takes Ireland into comparatively uncharted waters. Market instruments which have attracted to date only academic support in Ireland (Barrett, et al, 1997), will have to overcome opposition from industrial lobbies and the traditional caution of the powerful Department of Finance, rather than stand or fall on their merits. Thus the deeply rooted Irish policy features and style reduce the scope for a

more dynamic interaction with EU policy leadership. There is here then something of a triumph of policy style over a fuller engagement with the substance of the *acquis*.

Irish participation in EU environmental policy faces then a surely more difficult future as economic growth continues to produce serious negative environmental externalities (OECD, 2000, p.20). Viewed in this way, Ireland presents itself as something of a test as to whether the EU can offer a coherently integrated platform for the transmission of sustainable development models. The Irish experience suggests that such an aspiration remains quite far away; indeed many environmental trends continue to worsen. In this sense, the totality of EU policies (environmental and non-environmental) appears to actually have made only a partial difference to the underlying capacity and willingness of Irish state and society to effectively address environmental problems. There has surely been ecological modernisation then, but also frantic economic growth that has accelerated unsustainable trends.

For example Irish emissions per capita of air pollutants²⁰ and Green-house gases remain among the highest in the EU (OECD, 2000, p.22, 29, McGettigan and Duffy, 2000, p.1-2), and arguably Ireland stands with those few member states who have conspicuously failed to develop a credible national CO₂ policy. Indeed almost no relevant fiscal measures are evident here (DoELG, 2000b). As a result, rather than stabilise her CO₂ emissions at the agreed EU level of a 13% increase on the 1990 base year, a projected increase of 34% is possible (McGettigan and Duffy, 2000, p.1-2).

As regards these and other policy outcomes, Ireland appears a poor performer in the EU. Even measures of Irish public awareness of environmental matters, or willingness to pay or vote for advanced environmental measures, still remain low after three decades of EU environmental policy leadership (Faughnan and McCabe, 1998, DoELG, 2000a). In this way the Irish case serves to remind us that Europeanization may well be an appropriate description of developments in policy content, and to a much lesser extent of changes in structures and policy style. Yet it should not be taken to reflect a deeper more substantive policy convergence in terms of outcomes or preferences.

However, it would be an exaggeration to say EU environmental policy has not achieved many positive results. Indeed it is plausible that had membership not occurred, a much

slower and plodding copying of British regulatory fashions would have sluggishly evolved, perhaps to even less effect. Certainly EU membership has offered Ireland an impressive 'off the shelf' environmental policy regime, which she could not possibly have developed herself. However, the implementation of these policies remains patchy at best. Indeed, the Irish state appears to be entering a phase of greater legal conflict with the Commission, as several important directives languish, poorly implemented.

Moreover, while policy content has been extensively Europeanised, it has not been exclusively so. Important domestic developments, notably the vital EPA act of 1992, seem to have evolved as much with regard to domestic concerns, as with the desire to provide legal structures to implement EU environmental policies. Equally policy structures and policy style still retain many of their features which were a characteristic of Irish public policy before membership, although in terms of the exact workload of that administration, EU policy has become predominant in terms of the time and detailed scrutiny it requires. Thus subjectively, Irish environmental policy actors themselves strongly feel the effects of Europeanization.

Finally, Ireland's new found prosperity has not gone unnoticed in Brussels, and where before she could credibly frame her position in EU policy debates as that of a poor 'cohesion state', which for example she did on the Kyoto Climate Change negotiations, this course of action may no longer be acceptable in the future. Other member states may justifiably feel that greater responsibility must be shown by Ireland in dealing with her growing environmental problems (OECD, 2000, p.29).

Indeed in the near future, the Irish may well find themselves increasingly dependent on their own resources and left to the mercy of their own domestic political willpower, which appears to be for the most part still relatively weak.

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Notes

¹ Turnout was about 34.79% of the electorate, with 53.87% voting against, and 46.13% voting for. Source: results Table produced in Irish Times, Saturday, June 9th, 2001, pp.6 (no author).

² It is true that by the end of the 1970s new legislation on water pollution and wildlife had been passed, which undoubtedly was given a certain impetus by the growth of EU legislative activity at this time. However, these new laws were also part of a long overdue modernisation of the legal corpus anyhow. Indeed the new water legislation of 1977 had been agreed as early as 1973, it seems largely through a process of indigenous reflection, a 'drawing from within' based on past domestic experiences (Fenlon, 1983: 7, Taylor and Horan, 2001: 371).

³ One must remember here that the EU environmental policy regime retains a very complex web of parallel relationships and interactions with other non-EU trans-national environmental policy regimes. For further discussion see Zito (2000: 15.)

⁴ OSPAR is an acronym used to describe the legal and diplomatic regimes established by both the Oslo and Paris conventions of 1972 and 1974, that addressed the dumping of pollution into the North Atlantic and especially the North Sea by aircraft, ships, and from land based sources. For more details see Haas (1995:141-143).

⁵ For a general overview of the leader/laggard debate see Borzal (2000), Weale, et al. (2000: 466-487)

⁶ These prices are at 1994-95 values.

⁷ Directive 2000/60/EC, see OJ/L 327 1 – 72.

⁸ Note whether in fact the Agency is working well has provided some grounds for controversy. See Taylor (1998a and 1998b).

⁹ Interview with senior DoELG official under 'Chatham House Rules'. Much of the detail for this chapter has been provided by a series of unstructured interviews with elite policy actors.

¹⁰ Irish hazardous waste exports for 1996 were some 52,000 tonnes (16% of total hazardous waste volumes), and between 1996-1998 these have risen by about 30-40%. Source: EPA, 1999, p.xiii.

¹¹ In September 1990, a ban was declared on the use of bituminous coal, which has a long history of use and ecological harm in Dublin. See MacDonald (1988)

¹² E.g. Directives on Bathing Water, Shellfish, Drinking water, etc

¹³ Ireland also has a network of regional fisheries boards, who are organised on a river basin structure already and have indirect involvement in water quality issues.

¹⁴ There have been failures to implement properly directives on habitats and birds, on drinking water and dangerous substances in water, and Ireland suffered a major blow when the European Court of Justice ruled that Irish implementation of the EIA directive (85/337/EEC) was seriously defective (CEC, 2000b, pp.66-84, CEC, 2000a, pp.80, 83-84, 93, Fitzsimons, 1999b). As of January 2002, Irish media sources suggest that Ireland was facing a total of 111 alleged infringement proceedings related to EU environmental laws. Source; MacDonald, F. (2002)

¹⁵ Interview with senior DoELG official

¹⁶ Gaeltacht (pr.*Gayle-tocht*) is the Irish word for districts where Gaelic is still widely spoken and thus receive special government policies and subsidies.

¹⁷ Between 1999-2001, the lower house (*Dáil*) committees have become much more assertive, although not as regards environmental policy issues. There has been in existence since 1995 a Committee on Environment and Local Government affairs, which has published some studies on environmental matters, but it has had in general only a limited influence. An ad hoc special joint committee on Sustainable Development was also established in 1995 and produced a Report in 1997, that was notable for taking a strong 'ecological modernisation' line (JCSD, 1997, p.iii).

¹⁸ Interview with senior DoELG official

¹⁹ Interview with senior DoELG official

²⁰ The OECD's 2000 evaluation of Irish environmental policy performance reveals that per capita emissions are well above the OECD average: for example 62% higher for SO₂, 20% for NO_x, and 30% for CO₂. Equally measures of energy intensity suggest that the Irish economy exceeds the OECD European average by a significant margin (OECD, 2000, p.23).

Postscript for EUSA conference 2003

Since this paper was completed a number of developments have emerged in Irish environmental policy, which largely confirm much of the analysis here. First, there has been some innovation with regard to fiscal instruments. Taxes on plastic shopping bags and on landfill sites have been developed since early 2002. Their receipts should provide significant funds (circa euro 100m) for future waste infrastructure that for now is very much focused on providing new capacity for recycling and incineration with thermal recovery. However, the latter technology continues to invite considerable localistic community protest, which has in turn hardened the resolve of the successive Ministers of the national Department of Environment and Local Government, to impose regional waste plans, if necessary by empowering city and county managers to do so by reference to superior national enabling legislation. So the centralism inherent in Irish environmental policy remains confirmed. In the same way, more extensive employment of fiscal instruments as part of a commitment to the EU strategy on CO₂ has been resisted, as lately as the draft budgetary process for fiscal year 2003. It is apparent that the powerful Department of Finance, allied with the chief industry lobby IBEC, are both very cautious about the mooted introduction of a national carbon tax scheme, and this innovation appears to be postponed for now. Ireland's participation in current EU environmental policy retains much of the features described here, although if anything there are signs of a somewhat greater tentativeness towards new environmental legislation. In particular one might cite a noteworthy concern from the Irish as regards the current state of play on the review of chemicals policy (Ireland having a large multi-national corporate pharmaceutical and chemicals sector) and some reluctance has been discernable as regards proposals on environmental liability and Waste Electrical Equipment. Ireland's poor record as regards implementation of EU environmental directives continues to feature. Recent court verdicts on poor drinking water quality together with the scandals of uncovered illegal waste dumping have gained some media coverage. The latest report on the Implementation of Community environmental law (October 4th 2002) suggests a continuing poor performance for the period between 2000-2001, with some 18 cases of infringement alleged by the Commission. This is clearly not the worst performance of any member state, but on a per capita basis it is a poor showing, with little evidence of improvement. Finally a clear downturn in the 'celtic tiger' economy may have reduced a little some of the structural pressures in the waste, transport and energy sectors that were causing environmental problems

[Ends]