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Introduction: the basics of Irish government

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The politics of administrative reform in Ireland¹ is an important and timely subject as the Republic continues its major economic and social transformation in the first decade of the twenty-first century. The primary focus of this book is the civil and public service—a dimension of the Irish political landscape that has not been emphasised sufficiently in the literature for several years because political scientists and interested others have concentrated on political parties, elections, corruption, the conflict in Northern Ireland and, more recently, the reform of parliament.

The pace of reform in recent years has been a critical impetus; while the essential understanding of government institutions and process has been well set out in several texts—most notably Dooney and O’Toole (1998)—the need for a volume encompassing these recent changes has been clear for some time. It is also apparent that much factual and statistical information, which has formed the bedrock of previous studies, has become available via the internet,² so a more interpretive, discursive and analytical approach to the subject can now be attempted, without the need to rehearse many of the detailed descriptions of Irish institutions which previous accounts found to be necessary and provided so carefully. Nonetheless it is important to cover some of the same basics as others have done, especially as regards the institutional background of Irish government. This is what we shall do here, in as succinct a manner as possible.

THE WESTMINSTER MODEL

The political institutions of the Republic are, for the most part, based on the ‘Westminster model’. Each of the institutions referred to in *Bunreacht na hÉireann* (the Irish Constitution)—the Presidency, the Oireachtas (parliament), the Cabinet and the Courts—is given specific powers, to be exercised in accordance with the general principles of a British-style parliamentary democracy.

¹ The words ‘Ireland’ and ‘Irish’ can cause confusion. In this book they are used to refer to the southern Irish state, often described as the ‘Republic of Ireland’; in many other contexts, not least of which is geographic, ‘Ireland’ obviously means the whole island—including Northern Ireland.

² www.irishgov.ie/ and the other links provided throughout the text offer a vast array of information about the institutional structures and functions of all aspects of the Irish government machine.

Perhaps the key characteristic of the Westminster model is the fusion of the legislature and the executive—in other words, the executive arm of government is drawn from among elected members of parliament. Critics of the model argue that this means there are inadequate checks on the power of the government and, in particular, on the power of the prime minister (Taoiseach). Advocates, on the other hand, claim that the close relationship between members of parliament and the government is, in fact, an advantage because it makes for efficiency in decision-making and the government can act swiftly, when necessary, without being blocked by other state institutional powers and without the need for cumbersome compromise. As against the claim of excessive power being granted to the executive, it is also argued—from experience—that built-in systems of correction are capable of forcing the resignation of a prime minister and the calling of an election. It is fair to say that both sides of this argument would find Ireland as fruitful a ground for detailed disputation as the United Kingdom.

On the basis of this constitutional resemblance non-Irish commentators have sometimes assumed there is a greater degree of similarity between the politics of the Republic and those of the UK than actually exists. There are two key differences from the British model. First, there is the proportional representation, single transferable vote electoral system (PRSTV—see more on this below). Although Fianna Fáil, Ireland's largest political party, was able to form single-party governments for many years, most insiders would now accept that, under PRSTV, this possibility no longer exists. Thus PRSTV undermines one of the most fundamental features of the Westminster model. Secondly, *Bunreacht na hÉireann* is a *written* document. It therefore provides a focus for debate on new rights, duties and institutional arrangements and gives access to the courts, by way of judicial review, for interpretation and even vindication of the rights it sets down. For both these reasons, and reflecting over eighty years of independence, Irish government today is becoming far less 'British' in its texture. Politicians, bureaucrats and journalists are still influenced by trends and events on the larger neighbouring island, but wider points of reference are also important, particularly as regards administrative reform.

LEFT–RIGHT POLITICS AND THE VOTING SYSTEM

Another significant difference between Irish politics and those in Britain and many other European countries is the absence, on the face of it, of any very clear left–right divide. Although the Labour party, the third largest party, is on the left of the political spectrum, it has never enjoyed anything like the level of support of most of its European democratic socialist counterparts. By contrast, the division between the two main parties, Fianna Fáil (FF) and Fine Gael (FG), is rooted in the Civil War that erupted over the Anglo-Irish Treaty, following Independence. This has been subsiding steadily in significance since the 1930s, however, and although the FF/FG party division persists as a major feature of the political landscape, it has not come to reflect any more than minor class or social cleavages.

This is not to say that Ireland has been unaffected by wider international developments in political thinking, especially the rise of the ‘new right’. Best testimony to this is the frequency of reference in current Irish political discourse to what is popularly summed up as ‘Berlin or Boston’: should Ireland be social democratic, welfarist and interventionist—like Germany, France and many other fellow members of the European Union—or neo-liberal, free market and anti- ‘big government’—like the USA and Mrs Thatcher’s Britain? Although the question is argued regularly, Irish politics are more nearly comparable to those of the USA, to the extent that the main parties (or groups of parties, given the propensity in Ireland for coalition governments) stand principally on their record of political competence, leadership and economic success rather than on their precise position on an ideological spectrum.³

Unlike the USA, however, Ireland does not have a two-party system. Parliamentary elections are conducted under PRSTV,⁴ which ensures the representation not only of minor parties—like the Greens, Sinn Féin and the Progressive Democrats—but also of independent candidates with no obvious party allegiance. PRSTV produces a reasonably close match between voting patterns and seats, but at the same time it encourages politicians to place much stress on local loyalties. For the individual candidate the most significant imperative is to secure sufficient personal first-preference votes to be elected ahead of his/her party colleagues, which means the greatest rivalries in Irish politics are often within parties, rather than between them. Elections are won or lost on the basis of relatively few voters switching their support, and by the success of parties in persuading their traditional supporters to go out and cast their votes.

As already noted, changing political fortunes mean that coalition governments have now become the norm. Fianna Fáil remains the largest political party and is currently (late 2006) in a coalition government with the much smaller Progressive Democrats, formed as recently as 1985. Fine Gael and the Labour party dominate the opposition, with an expectation that they may need Green party support to form a government should they do well in the next election (expected in 2007).

THE PRESIDENT, THE TAOISEACH AND HIS MINISTERS

The role of the President of Ireland is an essentially ceremonial one—much like that of the monarch in Great Britain—and in most circumstances s/he is constrained to act solely upon the advice or instruction of the government. Although the prestige of the office has been greatly enhanced by the two recent female holders, in policy-making terms it is virtually powerless.

This book uses the term ‘government’ to refer to the whole machinery of the state and its governance. In popular parlance, however, the ‘government’ is the Taoiseach (prime minister) and his team. Though the Westminster tradition would suggest that he (there has not yet been a female holder) is *primus inter pares* (first

³ It might well be argued, given the way things have moved in recent years, that there is much *more* of an ideological divide in the USA than in the Republic of Ireland.

⁴ For a full explanation of the PRSTV system, see Collins & Cradden 2001:Ch. 2.

among equals), the Taoiseach has two crucial powers available to him. First is the right (in consultation with his coalition partner, if such there is) to choose his Cabinet ministers and junior ministers; second is the right to call a general election at any time within the constitutional limit of five years—an ability that can be used as a threat to recalcitrant Teachtaí Dála (TDs, or members of parliament) if the government is finding the going difficult. The Taoiseach has yet further powers to draw on, derived from: control over Dáil Éireann; management of the civil service; the right to represent Ireland in international forums (taking precedence over the Minister for Foreign Affairs in this respect); and the vast range of patronage and appointments at his command. Factors that can influence the power of the Taoiseach, either positively or negatively, include: policy success, especially as regards the economy; leadership of his party; opinion polls and electoral prospects; and the attitude of the media.

While ministers have clear status under the Constitution and can be very powerful figures, they are generally more vulnerable to criticism than the Taoiseach. So although Ireland has adopted many of the new developments that have occurred in public management internationally—developments that supposedly confine politicians to ‘steering’ rather than ‘rowing’ (see Chapters 2 and 3)—voters still generally hold ministers responsible for detailed failures in service delivery. The public odium that attends failure, or even just insensitivity in policy implementation, is directed at the politicians currently in office, even when their formal control is actually quite tenuous. For example, while over-runs in public expenditure may be a consequence of poor civil service management, the appropriate minister feels the consequences most immediately. Cabinet ministers, which comprise a group that Bunreacht na hÉireann confines to a membership of no more than fifteen, are particularly exposed to criticism, especially as their junior ministerial colleagues (who presently number seventeen), are seldom afforded a high profile regardless of their responsibilities. By contrast, all ministers naturally covet the plaudits for policy successes or popular initiatives. There are few more prized opportunities, even for the most senior politician, than the opening of a factory, a new road or a hospital in or near his/her constituency. Cynicism aside, for a politician of Cabinet rank, a ‘good department’ is one that provides substantial opportunities for favourable publicity.

MINISTERIAL RESPONSIBILITY, COLLECTIVE RESPONSIBILITY AND CABINET CONFIDENTIALITY

Irish ministers are constrained by the inherited, and now codified, conventions of collective and ministerial responsibility and Cabinet secrecy. Ministerial responsibility means that if corruption, misbehaviour, policy failures or administrative errors occur within a department, the minister is responsible even though s/he may not be involved directly, or perhaps has an influence upon only a small proportion of the policy for which s/he is ostensibly responsible. This convention is supposed to guarantee that an *elected* official is answerable for every single government decision and that, if things have indeed gone wrong, the minister in question must resign. This code

notwithstanding, in Ireland ministers seldom resign from office because of errors or failures, still less as a consequence of parliamentary pressure or policy disagreements with their colleagues (see Appendix 1.1). Indeed, proportionately, more presidents have resigned than Cabinet ministers, even though the Head of State's position is almost entirely ceremonial.

Cabinet, or collective, responsibility requires that all members publicly support all Cabinet decisions, whether or not they agree with them. This convention is of most importance if a vote of no confidence is passed in the Dáil, which would oblige the entire, collectively responsible government to resign. The obvious consequences will be either the formation of a new government (perhaps by an alternative coalition, as has happened on just one occasion) or, more likely, the Taoiseach will ask the President to dissolve the Dáil and a general election will follow. The concept of Cabinet confidentiality is closely related to this, to the extent that collective responsibility would seem to require that there be no public airing of divided counsels. Nevertheless, and particularly as between coalition partners, the need for a distinctive party political profile leads to perhaps more patterns of leaks and selective media briefings than in other parliamentary systems. The primacy of parliamentary procedure is adhered to formally in government announcements, but all policy decisions are manifestly—and sometimes ostentatiously—the subject of 'media management'. Constitutional conventions are thus often followed more in the breach than in the observance.

THE DÁIL AND THE SEANAD

The lower, but more important, house of the Oireachtas, Dáil Éireann, has 166 members at present, based on the ruling that there must be one TD for every 20,000–30,000 electors. The Republic is divided into forty-one constituencies, each returning between three and five members, and the number of constituencies and the seats allocated to them must be revised at least once every twelve years in order to take account of population changes. At the time of writing there is controversy over the deficiencies of the current legally valid but outdated constituency boundaries, with the government refusing to use preliminary census returns to make amendments to them and insisting that changes must await the full census results, which are due in mid-2007.

The upper house, Seanad Éireann, has sixty members and is subordinate to the Dáil. The Seanad's membership was originally intended to be made up in major part of people elected to so-called 'vocational panels' representing various interest groups, but it has long since become dominated by the same parties as are represented in the Dáil. As well as the forty-three 'vocational' members—elected indirectly by members of the Oireachtas and by county and city councillors soon after the declaration of the final result of a general election for the Dáil—there are six university seats, while the Taoiseach nominates a further eleven members, the intention of this latter arrangement being to ensure that the government has majority support in the Seanad.

The work of the Dáil is primarily to consider legislative proposals from ministers (and very occasionally from TDs) and expenditure proposals (on which see more below) from the various government departments. It is also a classic parliamentary debating chamber, as well as a forum in which government ministers can be questioned about their activities and those of their departments.

Constitutionally, the purpose of the Seanad is to check, redraft and amend legislation, whether first presented to the Seanad or passed to it by the Dáil. Its powers are limited to revising and clarifying Bills, together with some minor constitutional duties and rights. As compared to other ‘Westminster model’ second chambers—especially the British House of Lords—the Seanad has no substantial power or, for that matter, influence.

It is often claimed that the Oireachtas, and the Dáil in particular, does not take its legislative responsibilities seriously enough, and that TDs are excessively pre-occupied with constituency business. There has been a succession of proposals for reform, but these have fallen by the wayside and there seems little enthusiasm for change. Moreover—as will be discussed later in this book—the real powers of the Oireachtas, were it to choose to exercise them, have been diminished significantly by developments outside Leinster House (where both houses are located), especially the corporatist arrangements known as ‘social partnership’, within which so many political, economic and social decisions are now made without reference to the Dáil and Seanad.

THE BUDGETARY PROCESS

The Treasury does not work out what it needs and then think how to raise the money. It pitches for as much as it can get away with and then thinks how to spend it.⁵

The budgetary process has been less constant in its format than the other features of Irish government described in this chapter, although the influence of the British tradition is still substantial. As we will have reason to stress in Chapter Two, the Department of Finance established itself quickly after Independence in a role remarkably similar to that of the Treasury in Britain. Its traditional strategy for controlling civil service running costs was to exercise tight central control on expenditure by insisting on specific authorisation for almost all spending, however minor. Observing the reform of practice in other jurisdictions, the drivers of change in Ireland recognised very early on that this approach was inflexible and inefficient. The emerging international consensus among public sector reformers was to devolve responsibility for spending decisions to managers at the operational level.

The Irish reformers did not seek to reduce control on overall expenditure, but instead tried to achieve greater budgetary flexibility by setting limits on the budgets at each level within the civil service. As early as 1991 a devolved

⁵ Sir Humphrey, Permanent Secretary, in ‘The Smokescreen’ episode of BBC TV’s *Yes, Minister*, at www.jonathanlynn.com/tv/yes_minister_series/yes_minister_episode_quotes.htm

budgetary procedure was introduced for most departments, known as the administrative budget system. It has since been extended to cover all civil service departments, although a small number of related bodies remain exempt, such as the National Gallery of Ireland and the Prisons Service. Designed to improve co-ordination between departments and to provide greater flexibility in the use of resources for local priorities, especially on staffing and financial matters, the Department of Finance's *quid pro quo* was the introduction of enhanced standards of accountability in spending departments and compliance with current government policy on staffing in the civil service.

For capital expenditure, multi-annual capital budgets allow departments greater flexibility in managing resources, but again Finance has strengthened the rules on the appraisal, procurement and management of capital projects. Departments also must provide annual reports with details of each project's progress. These new budgetary arrangements have changed rather than loosened the Department of Finance's control of public expenditure. They are, of course, dependent on accurate and timely financial management, and all departments have had to introduce new systems under the Management Information Framework (MIF—see Chapter 3).

Despite all these important changes, the traditional budgetary procedure is still broadly adhered to, beginning with a mid-year call from the government for submissions from interested parties on what measures it should take in the forthcoming Budget. There are often more than 100 such submissions, but each is said to be read very carefully. A short period before the annual Budget speech of the Minister for Finance the government is constitutionally obliged to produce estimates of the expected financial receipts and expenditure for the incoming year. (Under the Strategic Management Initiative (SMI—see Chapter 3) departmental estimates will soon be expected to cover a three-year time-frame, although they will still be updated, rolled forward and presented annually.) These estimates are based on the predictions by the Revenue Commissioners of the likely income to the State from taxation, both direct (e.g. income tax) and indirect (e.g. VAT and excise duties), set alongside the expenditure proposals, approved by the Department of Finance, of each spending department, agency and other State body. All this information is presented to the Oireachtas in the form of a government White Paper, for debate in detail by the Dáil and relevant Dáil Committees in early November of each year.

The minister's Budget is also presented annually, soon after the estimates have been approved, but proposals for multi-annual Budgets are presently under consideration. The Budget itself consists formally of the following:

- an Economic Update: this outlines the background to the Budget and government economic strategy for the following three years (in compliance with the European Union Stability and Growth Pact);
- the White Paper on Receipts & Expenditure;
- the Budget Financial Statement: the Minister's speech to the Dáil on Budget day;

- The Budget measures: a detailed list of the changes proposed, together with the estimated cost or income arising therefrom;
- Budget statistics and tables: detailed projections for the following three years; Financial Resolutions.⁶

The Financial Resolutions, which are necessary to give temporary legislative backing for any immediate taxation or spending changes, are generally passed on the evening of the presentation of the Budget; the full and detailed Finance Act, covering all of the changes incorporated in the Budget, must be passed within four months. Any expenditure not covered by the Budget process must be approved separately by the Dáil, by means of a Supplementary Estimate. This procedure used to be employed quite frequently, but it is now frowned upon unless there is a real and urgent need for the sum involved to be spent.

THE EUROPEAN UNION

Ireland's membership of the European Union (EU) means that EU directives and policies have had a far-reaching impact on public administration. It is interesting, therefore, to note the claim that:

Although Irish ministers and civil servants were actively and successfully engaged in EU policy-making in the Brussels arena, the impact of the EU on the governance of Ireland was not significant.

(O'Mahoney 2004:22)

Paradoxically, this is because the EU's influence has been so pervasive; all government departments and agencies have adapted existing 'overseeing' routines for day-to-day EU matters 'within the broad parameters of collective responsibility and ministerial responsibility' (O'Mahoney 2004:22). Although the Department of Foreign Affairs has a co-ordinating role, the 'lead department' in any one area depends on the subject matter—be it agriculture, the environment or whatever. A system of *ad hoc* committees deals with cross-cutting EU issues (Laffan & O'Mahony 2003:19). In addition, the Department of the Taoiseach is involved in broad policy questions related to the EU. Ireland's Permanent Representation in Brussels also plays a central role in the day-to-day management of Ireland's interests there. Contrasting Ireland with Austria, another small Member State, Falkner & Laffan conclude:

... the fit between domestic institutional patterns and the EU was mostly unproblematic in Ireland ... [A] pragmatic political and administrative culture buttressed by a consensus about the importance of the EU to Ireland led to a process of incremental adjustment and adaptation.

(Falkner & Laffan 2005:224)

⁶ Based on *www.budget.gov.ie/*

As with the executive branch, the Oireachtas committee system has also adapted efficiently to EU membership.

THE LEGAL OFFICERS

Dooney & O'Toole (1998:160) describe the Attorney-General (AG) as 'one of the great officers of the state'. Together with the Chief State Solicitor, the Director of Public Prosecutions and various senior departmental lawyers, these constitute the State's 'Legal Officers'. In this account the AG appears only in Chapter Six, on government regulation. It is worth acknowledging, therefore, that as the legal adviser to the government and chief law officer of the State, the AG is privy to most significant government decisions and his advice is occasionally crucial in deciding policy. Interestingly, given the theme of Irish politics becoming less 'British', the AG's Office is currently trawling through sometimes centuries-old pre-Independence legislation of the various Irish, English, British and United Kingdom parliaments to cull laws not passed by the democratically elected Oireachtas since 1922.

LOCAL GOVERNMENT

As we will have reason to emphasise in Chapter 2, the transition from British rule to Independence was a relatively smooth one:

Despite achieving political independence in 1921, the first decade of the Irish state was marked by considerable continuity in policy-making. Indeed, the new administration, Cumann na nGaedheal, professed to be the most conservative revolutionaries in history.

(Smith 2006:523)

The major exception to this assertion, as far as the institutions of the State were concerned, was in local government. From the beginning the new Cumann na nGaedheal regime was ruthless in targeting the corruption that had become almost endemic at local authority level (for reasons discussed in Chapter 2), and it altered radically the British system it had inherited. The most important change was the institution of County and City Managers who, broadly speaking, act as chief executive of the councils concerned. The manager has important independent decision-making powers that make this role in Ireland distinctly different from that of her/his counterparts in systems of local government abroad. The independence of managers from party politics and local influences is reflected by the process of recruitment, which is by a public national competition, with a standard contracted period in the job of seven years, although this can be, and often is, extended up to ten years. The manager must work with, and for, an elected council. Overall, however, the functions of local government in Ireland are highly circumscribed by international standards. Moreover, the financial independence of councils is very limited.

ADMINISTRATIVE REFORM

As for the politics of administrative reform, this features only as an electoral issue in localist terms, as politicians seek to bring public sector jobs to their own areas. (As Chapter 8 will illustrate, this is currently a controversial matter within the civil service.) Indeed, as the Irish-American politician Thomas ‘Tip’ O’Neill once declared of his own country, ‘all politics is local’. National political debate in Ireland, to the extent that it involves elected politicians, is conducted between ministers, front-bench spokespersons and a small number of senior politicians, such as former party leaders. It is notable that these ‘national politicians’, i.e. those easily recognised by the public outside their own constituencies because of their association with important political issues, have in the main been consistently supportive of the modernisation agenda that is at the core of this book.

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