Whither the State?: The Recent Evolution of the Role of the State in Ireland

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Economic globalisation[1] and European integration have had far-reaching consequences on states politically, economically, and socially. This globalisation has contributed to the increasing domination of 'non-state' actors, in particular transnational corporations. Indeed, in recent years, the European Union's authorities have increasingly been influenced by the views of the corporate sector (Greenwood 74-123). The European Round Table, one of the most influential pressure groups composed of some forty European industrial leaders (Gutteridge), and the EU Committee of the American Chamber of Commerce (Jacek) have become extremely influential policy actors. Economic globalisation and European integration have led a myriad of scholars to reflect on what possible consequences these processes will have on nation states in terms of their power and sovereignty.

In 1995, Kenichi Ohmae claimed that economic globalisation sounded the death knell of nation states. He argued that the power of governments had been superseded by four forces, i.e. capital, corporations, consumers, and communications. Thus, nation states, inefficient engines of wealth creation, are doomed to disappear (Ohmae 1-5). Pierre Vercauteren sees European integration as having engendered 'a universal crisis of the state'[2] (Vercauteren 1), which must therefore redefine its role.

At the other end of the spectrum Berthold Goldman, as highlighted by Marie-Claire Considère-Charon (168), contends that small EU states, while conceding part of their national sovereignty, can actually see their power increase. National objectives can be achieved more easily thanks to collective action within the EU context.

Linda Weiss refutes the alleged withering of the state and argues that what is happening is state adaptation rather than state retreat, as suggested by Susan Strange in her 1996 study. Weiss maintains that states, far from being powerless, are essential actors in the globalisation process (Weiss xi). In the same vein, the concept of the 'competition state,' developed by Philip Cerny (21-35), is particularly relevant. It assumes that globalisation has not led to the decline of state power but to a process of change of the state's functions. Achieving national competitiveness as a means of sustaining economic growth and improved living standards has become the state's chief objective. In this theory, there is little room for the welfare or redistributive func-

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1 Economic globalisation consists of the integration of national economies into the international economy through trade, foreign direct investment, capital flows, migration, and the spread of technology; see Bhagwati.

2 "Une crise universelle de l'Etat."

tion of the state. However, Nicola Phillips has highlighted a major weakness of these attempts at theorising the effects of globalisation, namely the lack of empirical specificity (4).

The Irish economy has undergone radical transformation in the past two decades. European membership has undeniably played a major role in this metamorphosis. Ireland has become one of the most globalised countries in the world. Thus, the evolution of the role of the state in the economy in the context of Ireland seems to be particularly relevant.

Peadar Kirby and Mary Murphy, elaborating on the work of George Taylor and Philip Cerny, argue that the concept of the competition state is the most adequate to characterise the contemporary Irish state. Successive governments have, according to them, given priority to measures aimed at maintaining the country's economic competitiveness at all costs and at improving the flexibility of the labour market. The promotion of enterprise and profitability has been carried out to the detriment of welfare policies (Kirby & Murphy 122-127).

This paper intends to contribute to the current debate on the evolution of the role of the Irish state in the economy: has it withered or is it going through a process of adaptation? The approach is different from Kirby and Murphy's as it focuses on the government's efforts to offer the most attractive business environment to US multinationals while dealing with European constraints.

In the context of Ireland, the past two decades have been marked by the remarkable success of the government's industrial policy. The Industrial Development Agency has managed to attract a considerable number of multinationals, mainly American, in financial services as well as the biotechnology, pharmaceutical, and information and communications technologies (ICT) sectors.[3] In 2008, there were 580 American multinationals operating in Ireland, directly employing 100,000 people. That same year, US firms paid an estimated € 2.5 billion to the Irish Exchequer in corporate tax (American Chamber, "Investment"). They have virtually become a pillar of the Irish economy. Nevertheless, Ireland is competing with Eastern European countries and Asia as investment locations. It has thus become vital to maintain a pro-business environment and national competitiveness.

Even if the gap between Anglo-Saxon and European economic models has often been overstated, as highlighted in *The Economist* (Charlemagne), policies and views on labour relations, welfare etc. do differ. Regulations are different too. Thus, in the

3 In 2006, 13 of the top 15 world pharmaceutical companies had substantial operations in Ireland and employed over 17,000 people directly, exports in this sector exceeding € 35 billion annually; seven of the world's top ten ICT companies had a substantial presence in Ireland: direct employment was 45,000 and exports exceeded € 21 billion annually; 15 of the top 25 medical technologies companies were based in Ireland: exports were over € 4 billion annually and direct employment was over 22,000 (Enterprise Ireland).

past fifteen years, the Irish authorities have had to find ways of accommodating the American corporate sector while fulfilling EU requirements. It is worth noting that an estimated 80% of economic measures passing through member states' legislation originate from Brussels (Greenwood 74).

Ireland's EU presidency, from January to June 2004, gave the country a tremendous opportunity to forward its objectives. Deep divisions over the conflict in Iraq had badly damaged political relations between the EU and the US, which were at their lowest ebb. At the time, James Kenny, then American Ambassador in Ireland, reaffirmed that Ireland was well placed to serve as a transatlantic bridge and contribute to mending fences between the two partners (Kenny). The EU clearly shared this point of view and selected John Bruton, a former *Taoiseach*, as EU Ambassador to the US in 2004. Previous Irish presidencies were credited with successful EU-US summits, because Irish authorities had good channels of communication with the US. In 1990, *Taoiseach* Haughey engaged in negotiations with President Bush on a structure for consultation which was incorporated into the Transatlantic Declaration in November 1990 (Steffenson 31, 54).

Revitalising the transatlantic partnership became a top priority of the Irish presidency in 2004 (Ahern, "EU-US Ties"). One of the main aspects the Irish authorities focused on was the, relatively speaking, less contentious economic field (Gillespie). Until then, the New Transatlantic Agenda, launched in 1995, had aimed at promoting co-operation and joint action between the two economic blocs, and the Transatlantic Economic Partnership, created in May 1998, had formed the institutional structure of EU-US bilateral economic relations (see "New Transatlantic Agenda"; "Transatlantic Economic Partnership"). However, discussions were dominated by political and security matters and dealt with disputes over relatively minor trade issues (McDowell 54).[4]

Bertie Ahern as *Taoiseach* stressed that political disagreements had overshadowed the magnitude of the interdependence between the European and American economies. He emphasised the fact that 40% of all US software investment takes place in Ireland, that over one third of all manufacturing inward investment comes from the US and that approximately 300 US entities have been licensed to trade in the International Financial Services Centre in Dublin ("EU-US Summit"). Thus, Ireland was particularly keen to play an active role in policy issues such as financial services, taxation, intellectual property, and biotechnology regulation.

During their EU presidency, Irish authorities worked closely with two extremely influential organisations, namely the Transatlantic Business Dialogue (TABD) and the Transatlantic Policy Network (TNP), to prepare for the EU-US summit at Dromoland Castle (County Clare) at the end of June 2004. The TNP is a lobby group whose

4 In 2005, the European Commission ordered an independent report to assess the work of the Transatlantic Economic Partnership. The conclusions of the report highlight insufficient political commitment as a major reason for the lack of significant progress in EU-US economic cooperation (Commission, "Un partenariat UE/États-Unis").

members consist of EU and US parliamentarians and major corporations from both countries. An active member of this organisation is Irish-born Pat Cox, who was then also President of the European Parliament. In June 2004, he won the Transatlantic Business Award, created by Amcham EU,[5] for his commitment to promoting transatlantic economy (see White). The TABD is an organisation that brings together top people from 35 EU and US multinationals. In 2004, its chairman was another Irishman: Niall Fitzgerald, then Chairman of Unilever. The chief objective of both organisations is to encourage the EU and the US to adopt a common regulatory platform for business and the opening of a barrier-free market (Transatlantic Policy Network) between the two blocs by 2015. The fact that many Irish-American or Irish-born businessmen have made it to the top of the boardroom of multinationals since the 1970s and the intensive trade and investment relationships between Ireland and the US have contributed to establishing a very effective communication channel between the corporate sector and the Irish government (Edwards). On the eve of the summit at Dromoland Castle, a further meeting took place which was attended by the TABD, the then *Tánaiste* Mary Harney, Donald Evans, the US Secretary of State for Commerce, Jan Figel, the EU Commissioner for Enterprise, as well as the chief executives of some of the world's largest multinationals. The collaboration proved fruitful on this occasion. On 22 April 2004, the European Parliament adopted a resolution approving a set of proposals for the June EU-US summit (European Parliament). These proposals included the main TNP recommendations, one of which, most notably, was the establishment of a barrier-free transatlantic market by 2015. The "EU-US Declaration on Strengthening our Economic Partnership" (Council of the European Union), agreed on at the EU-US Summit in June 2004, called upon transatlantic partners to develop a forward-looking strategy to enhance economic relationships between the US and the EU. This was more than just another declaration; it was the first step towards the creation of the Transatlantic Economic Council in 2007. Its objective[6] is to integrate and harmonise administrative rules and regulations between the EU and the US, which would undeniably further Irish interests (see "Framework").

The strong presence of powerful US multinationals has given the Irish branch of the American Chamber of Commerce considerable leverage. In addition, in recent years successive American ambassadors to Ireland have on occasion lobbied the Irish government on behalf of American firms (Allen 64-65). As a matter of fact, the three successive United States ambassadors appointed by George W. Bush were not career diplomats but successful businessmen. President Obama has followed suit and selected Dan Rooney, a prominent Irish-American businessman.

Having to accommodate the demands of the US corporate sector as well as Ireland's economic priorities while complying with EU rules has sometimes put the Irish autho-

5 The European branch of the American Chamber of Commerce.

6 On the potential of the transatlantic market, see Burghardt; Hamilton & Quinlan. For a different perspective, see Paye.

rities in a difficult position. An example of this difficulty can be seen in the Irish government's handling of the issue of genetically modified organisms (GMOs). In 1998, the EU commission declared a *de facto* moratorium on new GMO approvals. The previous year, in a joint statement[7] made on 26 April, Fianna Fáil Spokesman for Agriculture, Joe Walsh T.D., and Spokesman for the Environment, Noel Dempsey, set out the party's clear position against the development and sale of GM food, crops, and livestock and supported the idea of a national moratorium on the release of genetically modified food. In power, however, Fianna Fáil reversed its stated position. In August 1998, Noel Dempsey, who had become Minister for the Environment and Local Government, launched a consultation process on GMOs and the environment. The report was published in June 1999. It became clear that the government was considering biotechnology as a growth sector that the country should harness:

> That the biotechnology industry has been of considerable economic benefit to Ireland is well established. The pharmaceutical companies who have established here have provided employment for many, particularly for graduates. Our national attitude to technology in general is an influencing factor for further inward investment in these and other high-tech sectors of the economy. Access to genetic modification technologies is also critical to the future competitiveness of Irish agriculture. In pure economic terms, if Ireland rejects or ignores biotechnology, it cannot expect to remain attractive to high-tech based investment nor can it remain competitive in arable farming and related food production if other countries are using the new technology. In our view, organic farming is a niche market sector of the economy, not a realistic alternative to safe conventional farming practices. We strongly emphasize the importance of consumer choice. (Government, Dept. of the Environment)

Following this consultation, the Irish authorities discarded the possibility of a national moratorium on GMOs despite the repeated demands of anti-GM groups, the Green Party, and Sinn Féin and, instead, advocated the introduction of appropriate regulation to inform consumers. On 13 March 1998, the *Taoiseach*, Bertie Ahern, opened the new IR£ 12 million Smurfit genetics research institute at Trinity College, Dublin. Although the new institute had attracted substantial funding from the private sector (Ahlstrom), the government provided a grant of IR£ 4.8 million. Ireland has since invested heavily[8] in innovation and technology, as can be seen in the last *National Development Plan* and in *The Strategy for Science, Technology and Innovation 2006-2013* (Government, Dept. of Enterprise).

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7 This statement was made in the heat of the general election campaign. In fact, the decision taken in December 1996 by the Environmental Protection Agency which allowed Monsanto plc to carry out trials of genetically engineered sugar beet was making the headlines. This was a joint venture between Monsanto and Teagasc, the state agriculture and food development agency. The whole issue was quite controversial (see Dáil Éireann 24 Apr 1997). The organisation Genetic Concern obtained an injunction against Monsanto on 1 May 1997. This injunction was lifted by the High Court of Justice on 27 May 1997.

8 An amount of € 8.2 billion has been allocated to scientific research. Science Foundation Ireland will receive € 1.4 billion to invest in three broad areas including biotechnology (Science Foundation Ireland).

The launch of the US/Ireland Research and Development Partnership Task Force Programme was announced during an all-Ireland biotechnology industry conference in November 2002. The initiative is a sort of mentoring programme which brings together chief executives of biotechnology companies from the two countries. It arose as a result of the US-Ireland business summit, which took place in Washington in September 2002.

The EU moratorium[9] on new GMO approvals was certainly a major stumbling block both for American biotech companies and the Irish government. The *Taoiseach* denied on several occasions that he was lobbied by top American officials on behalf of Monsanto[10] to support the introduction of GM corn crops into the EU (Dáil Éireann 16 Feb, 10 Mar 1999). However, issues surrounding the different approaches of the EU and US to GMOs were discussed during the US-Ireland business summit in 2002 (Dáil Éireann 5 Nov 2002).

Quite conveniently, David Byrne, an eager advocate of GMOs, was nominated as Ireland's EU Commissioner in September 1999. He had responsibility for Health and Consumer Protection. Brushing aside European consumers' anxiety over GMOs' potentially harmful effects as "an irrational fear," he insisted that innovation in the biotech field should not be impeded by "emotional reactions and apprehension based on inadequate or biased information" (qtd. in Smriga).

During his mandate as European Commissioner, Byrne set himself the task of creating a regulatory system to improve product labelling and traceability, convinced that it would allay consumers' fears (Parlement européen et Conseil de l'Union européenne 2001, 2003). This did not prevent the Bush administration from filing a formal complaint at the World Trade Organisation against the EU's moratorium in 2003.[11] Nor did it prevent six member states from voting against the regulatory system. The Commission, which on this occasion had the final say, gave its approval.[12] The new labelling laws came into force on 18 April 2004, during the Irish presidency. On 19 May 2004, the Commission's approval of GM sweetcorn Bt-11 put an end to the EU *de facto* moratorium on new GM products.

Taxation is another case in point of the Irish government's difficulty in accommodating the conflicting aspirations of the EU and American investors. The Irish branch of the American Chamber of Commerce has consistently called on the Irish government

9 The European Commission acknowledged the growth potential of the biotechnology sector in 2001 (Commission, "Vers une vision"). However, strong popular opposition to GMOs prompted the EU to impose a moratorium.

10 A US multinational which markets GMOs.

11 The US, backed by Canada and Argentina, complained that their products would have to be mandatorily tagged, which amounted to unfair trade barriers and involved high costs.

12 Since member states did not reach an agreement on the issue, the final decision was taken by the EU Commission.

to resist the EU move towards tax harmonisation (O'Hora; Sweeney; "Bitter Pill").[13] Indeed, in 2005, Dell chief executive Kevin Rollins warned that the computer giant would "reassess" its investment in Ireland if the government increased the 12.5% corporation tax rate (McKenna & Weston). In 2002, in a meeting with the American Chamber, Mary Hearney even vowed to retain this rate until 2025 (Richardson).

Germany and France, among others, wish to eliminate what they see as unfair competition (Smyth, "Germany Hits Out"). They have been supporting the EU tax harmonisation plan ("Barroso") and the establishment of a Common Consolidated Corporation Tax Base, a proposal made by Laszlo Kovacs, the EU Taxation Commissioner. The Irish authorities have consistently resisted such a move (Smyth, "Cowen") and Charlie McCreevy, the Irish Commissioner for Internal Market and Services since 2004, echoing Irish disapproval, has publicly opposed Mr Kovacs' plan (Smyth, "McCreevy"; McEnaney).

Although decisions are taken by the Council of Ministers, on which the member state governments are represented, and ultimately by the European Parliament, the influence of a Commissioner is pivotal even though he/she is supposed to be a neutral body and give priority to the interest of the Union as a whole. The Lisbon Treaty was designed to reduce the size of the Commission as required by the Nice Treaty. This would have involved an equal rotation of Commissioners but also implied that Ireland would not have been represented in the Commission on a permanent basis. Garret Fitzgerald quite rightly remarked that "under such [an] arrangement the opponents of fiscal harmonisation – Ireland, the UK, and Sweden, together with some Eastern European states that have followed the Irish example on corporate taxation – could be voted down on this issue by other member states" (Fitzgerald).

The report of the Oireachtas Sub-Committee on Ireland's Future in the European Union emphasised that Irish people's rejection of the European Union's Lisbon Treaty in 2008 had undoubtedly been detrimental to Ireland's standing and influence in the EU (Oireachtas). The reduced influence in the commission as well as the perceived loss of tax sovereignty were identified as two of the many reasons for the decision by Irish voters. Paradoxically, this gave a strong bargaining hand to the *Taoiseach*, Brian Cowen, who was urged by Ireland's European partners, especially France and Germany, to organise a second referendum. Arguing that Irish people's concerns had to be addressed, he obtained from the EU the guarantee that each member state, including Ireland, would have one commissioner in future colleges ("Summit Aims"). In addition, clarifications on tax sovereignty, among other issues, are to be included in a protocol which should be ratified by other EU states at the same time as the next EU accession treaty. Thus, even if the Irish 'no' may be considered as a setback, the Irish government managed to turn it to its advantage.

13 See the American Chamber of Commerce Ireland press release of 12 September 2008.

In the last few years, the role of the state in Ireland seems to have undergone a process of adaptation as opposed to a process of retreat. One could argue that this process of adaptation started at the end of the 1950s, when the Irish authorities decided to open the economy to the outside world. However, globalisation is a milestone insofar as it has made the necessity of adapting quickly more vital than ever before. The Irish government plays an essential role in promoting competitiveness as a national priority. European membership has, from the very beginning, limited the capacity of member states to implement their policy preferences. Ireland is no exception. Nonetheless, having to preserve the competitive advantage of its economy, while complying with European requirements, has prompted successive Irish governments to get more involved on the international scene. The authorities have quite astutely used their special relations with the US authorities, their connections within international corporate pressure groups as well as EU membership to lay the foundations of a transatlantic market.[14] Besides, even if Irish Commissioners' neutrality is not to be questioned, they have, up until now, supported policies which serve Ireland's economic interests.

Ireland has been severely affected by the crisis, and the Irish authorities had to accept a European Union rescue package. From poster child, the country has become one of the weak links of the organization. Nonetheless, thanks to its efforts to restore the health of its economy, the present Irish government has managed to obtain a 2% cut on the bailout package interest rate without any concessions so far on its 12.5% corporate tax rate (Beesley), a *tour de force* considering Nicolas Sarkozy and Angela Merkel's relentless pressure to establish a common consolidated corporate tax base throughout the European Union. But how long will Ireland manage to resist the move towards a common corporate tax base? In addition, even if the Irish authorities have agreed to sign the EU Treaty on Fiscal Stability, which aims at strengthening fiscal discipline within the eurozone, Ireland's constitution requires the public to ratify the treaty in a referendum. The outcome is uncertain given that the austerity measures imposed by Brussels have proved extremely unpopular. Joan Burton, Irish Minister for Social Protection, stated that a renegotiation of Ireland's debt burden would boost support for a Yes vote in the referendum (Cullen). Will the Irish authorities once again manage to turn the threat of a rejection of the treaty by Irish voters to their advantage?

14 In the past few years, the concept of the transatlantic economy has lost momentum since the Obama administration seems keener to develop economic links with the Asia-Pacific bloc.

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