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European Standards and Waste Management in Ireland – Examining the Local Implementation Deficit

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Introduction

The European Union policy concerning the protection of the environment and natural resources has grown steadily since the 1980s. The so-called 'Earth Summit' (United Nations Conference on Environment and Development) held in Rio de Janeiro in June 1992 increased the pace and represented a universal attempt at global sustainability. McCormick (2001:168) provides an indication of the scope, depth and volume of EU environmental decision-making by outlining that the EU has adopted 85 laws, a myriad of strategies and a broad variety of policy initiatives since the 1980s in the area of waste management alone. However, the existence of substantial legislation does not necessarily imply the adoption of best practice procedures in member states.

Andersen and Eliassen (2001:17) demonstrate some of the difficulties of incorporating EU laws and directives through national and politic-administrative systems and emphasise "the interplay between legislation and implementation". Knill's (1998) contribution is also valuable in arguing that national adaptation depends on the level of embeddedness of existing national structures.

Despite the proliferation of EU law on waste management, McCormick (2001:168) notes that "the EU does not yet have a common waste management policy". Perhaps this reflects Sbragia's assertion that European environmental policy is driven by a tension between the proponents of stringent standards and the reluctant actors, within and between countries. The formulation of environmental policy resembles a process which has been described by Haas (1993) as the 'leader-laggard' dynamic. On environmental matters, the 'leader' countries tend to be Germany, Denmark and the Netherlands and often it is their domestic politics which drive the Community's policy process along (Sbragia, 1999).

This paper seeks to assess Ireland's position in this dynamic, primarily in the area of waste management. In so doing, it will examine the burden of implementation which has been placed on local authorities and will highlight recent Irish legislation which has removed the power of decision-making from democratically elected representatives.

European Union and Waste Management

The Single European Act 1987, for the first time, recognised environmental protection as part of the legal competence of the EU, even though environmental policy has been in place since 1972. Traditionally EU environmental policy has been cautious due to fears of stifling job creation initiatives and distorting trade. However, a braver approach emerged in 1992 when the Maastricht Treaty (in tandem with the 'Earth Summit') included a commitment to the promotion of sustainable growth respecting the environment. A 1997 report by the Organisation for Economic Cooperation and Development (OECD) was also influential in demonstrating that although environmental and employment policies are not strictly complementary, they are many be compatible.

Within the broad parameters of environmental policies, the issue of waste management is particularly interesting. It is not possible to eliminate all environmental risk and therefore some objective criteria have to be used in risk selection and in deciding what appears on the environmental agenda. Waste management is somewhat different however because waste represents a failure of society and industry and can be substantially eliminated.

In 1999, the European Commission published a strategy document ("EU Focus on Waste Management") which highlights that the Community generates over 2,000 million tonnes of waste per annum and that the figure is increasing steadily by 10% each year. Transporting waste to other parts of the world is clearly not an adequate solution.

The European Union waste management strategy has been built on four firm and logical principles, prevention principle; producer responsibility and polluter pays principle; precautionary principle; proximity principle. In turn, these principles feed into a preferred hierarchy of waste management options, namely PREVENTION – RECYCLING & REUSE – OPTIMUM FINAL DISPOSAL & IMPROVED MONITORING.

It is difficult to assess the impact of the waste management strategy to date as performance differs significantly amongst member states. In some cases, due to a lack of national embedded structures, natural time delays have been apparent in terms of effectively incorporating policy measures. Barnes and Barnes (1994:4) highlight a more significant problem – "the lack of action taken to enforce the EU's environmental measures by the national governments undermines the operation of the policy". Reconciliation of national and specialist interests has proved problematic while a lack of commitment also represents an enormous challenge. A damning report by the Commission in 1996 concluded: "What is lacking is the attitude changes and the political will to make the quantum leap to make the necessary progress to move towards sustainability" (CEC, 1996:3).

Currently the EU is operating under the Sixth Environmental Action Programme and the Sustainable Development Strategy adopted at the Gothenburg summit in June 2001. The Action Programme aims to define the priorities and objectives of the Community's environmental policies up to 2010 and makes clear that an update of legislation and policy is required in light of fresh challenges based on science, new technologies and the participation of a wider group of stakeholders. One policy which warrants some attention is the EU waste management hierarchy because there is a suspicion that maintaining the hierarchy has become a more dominant goal than environmental protection. Prevention, reuse, recycling and energy recovery are not goals in themselves – rather they have to serve the objectives of environmental protection and sustainability. The sign posts may have become more important than the destination.

This was alluded to by Margot Wallström, the European Commissioner for the Environment, during a wide-ranging address to the European Waste Forum in June 2001 at which she announced that a Green Paper will be produced in the first half of 2002, leading to a major White Paper following consultation. This may provide the European-wide common waste management policy sought by McCormick.

Ireland and Waste Management

Applying the Haas dynamic to the Irish government policy on waste management – described by Labour Party leader, Ruairi Quinn TD during the summer of 2001 as a "national crisis" – it would not be unfair to classify Ireland's performance as both reluctant and laggardly. The European Commission initiated legal action (subsequently adjourned by the European Court of Justice) against the government for its failure to put into effect the 1993 EU directive on waste management. Of the 34 local authorities charged with the responsibility of producing waste management plans, the Commission criticised all bar Waterford county, Dun Laoghaire, Fingal, South Dublin and Dublin city. As of mid-July 2001, four local authorities had not produced any waste management plans. Political culture contributes to the apparent inertia and apathy as implementation and enforcement are rarely seen as pressing considerations in Ireland. The NIMBY (Not In My Back Yard) syndrome is also strong in this county while debates on waste management often appear to skip the EU hierarchy elements of prevention, recycling and re-use and concentrate on landfill or incineration arguments. Sbragia may also be correct in proclaiming that the perspectives of 'leader' nations such as Germany and Holland differ significantly from the Anglo-Saxon 'laggard' mentality. In the 'leader' countries cost is not regarded as an overriding consideration and the emphasis is on the effective use of 'Best Available Technology' (BAT). By contrast, finance is a very important consideration for the 'laggard' nations who emphasise 'Best Available Technology Not Exceeding Excessive Cost' (BATNEEC).

Comparative data on waste management highlights the fact that Ireland finds itself at the bottom of the European class and in need of extra remedial tuition. The damning statistic that only 90% of our municipal rubbish is recovered for recycling goes to show that an enormous gulf exists between rhetoric and performance. The Annual Waste Update produced by the European Environment Agency (EEA) in May of 2001 (relating to the year 2000) refers to targets agreed by the member states to reduce the quantities of biodegradable municipal waste (BMW) going to landfill and clearly shows that practices vary considerably between countries. Three broad categories emerge as follows:

1) Countries landfilling <35% of BMW – Denmark, Austria, Holland, Flemish regions of Belgium.
2) Countries landfilling between 35%-75% - France, Finland, Norway, Germany, Italy
3) Countries landfilling >75% - Spain, United Kingdom, **Ireland**, Greece, Portugal

Certainly there is much room for improvement in Ireland if the targets of the Waste Management Act 1996, the *Changing Our Ways* policy (1998) and the Waste Management (Amendment) Act 2001 are to be reached.

Politics and Waste Management

"The most significant element of the expansion of European activities on environmental matters has been the changes wrought on policy in the member states as national and local governments have addressed these matters" – McCormick (2001:8)

The politics-environment nexus provides an interesting insight into the linkage between political choice and political processes. There is also the suggestion that 'the environment' involves issues on which everyone has some right to be consulted (Lafferty and Meadowcroft, 1996:3) as environmental risk is non-discriminating and does not stop at geographical boundaries. Paterson (2001:1) notes that "increasingly, many people are challenging the ways of understanding global environmental politics (GEP) which have so far been dominant". Much of this questionning stems from the debate following the aforementioned 'Earth Summit'. UNCED has been interpreted in many ways – as an optimistic success (Keohane, Haas and Levy, 1993); as a failure (*The Ecologist*, 1993) and even as a backward step (Chattterjee and Finger, 1994). Despite interpretative differences, fascinating questions arise concerning transnational collaboration in solving specific environmental problems.

Paterson (1995,2001) addresses this question and argues quite forcibly that UNCED deliberately framed the GEP debate in the narrow context of policy entrepreneurs, NGOs, and scientists in a politically dangerous way – "fundamentally this framing is an attempt to *depoliticise* GEP. By constructing GEP in the language of collective action, it invokes a set of debates and literature (rational choice and game theory) which represent political phenomena as technical ones" (Paterson, 2001:2/3). This depoliticisation moves away from normative political discourse and power perspectives in favour of technical and scientific debate.

The political-environment nexus is illustrated by Crenson (1971) who develops the idea of agendas being shaped by non-decisional power. His examination of the non-issue status of pollution in Gary, Indiana concluded that the powerful local industry, US Steel, was also a big polluter and effectively kept environmental matters off the local agenda through the exercise of power which was "outside the range of observable political phenomena" (Crenson, 1971:107). The essential point, as noted by Parsons (1997:139) is that "power resides as much in the capacity to command inaction as to action". Crenson argues that environmental issues have an order and a rationality and are not as random as they might first appear. The promotion of one issue may significantly inhibit other issues, e.g. if the economic and 'jobs' issue is dominant the agenda will be framed in a way which will downplay the question of environmental costs.

If Ireland is a 'laggard' nation with regard to EU environmental policy then the inaction is worthy of analysis. Sbragia (1999:237) describes how national legislation flows from EU initiatives and effectively the reluctant states are 'pulled along' in agreeing higher standards of environmental protection. This leads Sbragia (1999:237) to conclude – "the politics of environmental policy must therefore be analysed at the

national level as well as the European level". This ignores the fact that EU environmental policy stretches deeper than the nation-state and the burden of implementation is placed on communities and local authorities. There is a fundamental requirement to apply the principle of subsidiarity to environmental matters. Otherwise the slogan of 'Think Global, Act Local' will be empty and meaningless. Therefore Wapner (1996) is correct in arguing for a three-perspective approach at statist, suprastatist and substatist levels. Paterson (2001:142) notes that "for Wapner all three have significant commonality in focusing on the state system, either as the locus of effective responses to global environmental change, or as the core problem for global environmental politics which needs to be transcended".

Inaction on environmental matters in Ireland suggests a local implementation deficit and the realisation that behind the pluralist perspective may lie a more obscure and hidden process which frames the agenda and the subsequent debate. The complexity of local decision-making is captured by Crenson (1971:177/178):-

> Community political power may consist of something other than the ability to influence the resolution of local political issues; there is also the ability to prevent some topics from ever becoming issues and to obstruct the growth of emergent issues …. (furthermore) this power need not be exercised in order to be effective. The mere reputation for power, unsupported by acts of power, can be sufficient to restrict the scope of local decision-making. Even people and groups who do not actively participate in a community's political deliberations may influence their content. Likewise the 'victims' of political power may remain politically invisible – indeed, visibility may constitute their response to the power of non decision-making …… the operation of political power, therefore, is not always revealed in observable political action ….. to put it simply, there is more to local politics than meets the eye.

Local Implementation and Waste Management

Ageyman ad Evans (1994:14) argue that "whether it is identified as subsidiarity, decentralisation, empowerment or participation, some component of democratisation is widely viewed as being integral to the achievement of an environmentally sustainable future". Much of the environmental policy which has been discussed in the preceding sections requires implementation at the local level even though the primary responsibility for implementing and financing environmental legislation lies with the member states.

Local government in Ireland is weak, which owes much to what Barrington (1991) describes as its 'sorry history' and the centralist tendencies of the first Free State government. Yet globally the traditional safe world of local government is fast disappearing as politicians, administrators and citizens are now required to look beyond local government to *local governance.* The local authority is increasingly dominated by issues which do not fit conventional organisational boundaries or traditional ways of working. Economic developments, regeneration, community growth, public safety, environmental matters and even horrendous acts of terrorism as witnessed in America recently are all examples of important policy issues which do not fit rigid bureaucratic structures. Quinlivan (2001:18) explains, "in simple terms, these are issues which are not owned by any one bit of a local authority and also they are not solely the preserve of the local authority. New creative approaches and fresh ways of thinking are required to meet these challenges".

Research on the 'problem' of local government policy implementation has been conducted by Quinlivan (2000) who highlights seven key elements of the implementation cycle.

1) The need to distinguish between strategic planning and operational planning.
2) The pivotal role of the strategic leader as the principal change agent.
3) The role of the elected council.
4) The role of staff.
5) The community sector and external constituents.
6) Top-down or bottom-up approaches.
7) The role of external facilitators.

Nutt and Backoff (1992:201) correctly claim that implementation can be difficult in the public sector as "publicness brings with it constraints, political influence, authority limits, scrutiny and ubiquitous ownership". Another key element, which has a relevance with regard to EU environmental policy, is that local implementation will not be successful if predicated on a culture of imposition. For too long, the agenda of change for local authorities has not been formulated by the councils themselves but rather by Boston, Brussels or Dublin.

Quinlivan (2001:17) concludes that the three main factors which are going to dictate the implementation debate in Ireland are:-

(i) The change from local government to local governance.
(ii) Leadership.
(iii) Re-engagement of the public.

All three elements have an individual and collective importance.

Local Governance

A case can be made to support the argument that decision-making and implementation of those decisions is going to become a much more complex issue in the world of local governance. Local authorities are to become enablers and facilitators while sharing power with a new magistracy and non-elected elites. The complexity of governance raises serious questions about participation, accountability and responsibility and these questions have yet to be answered. The power structure within local authorities is being altered at a point when the public at large has huge levels of diminished faith in formal government. The impact of globalisation as well as new technologies and ICT also reflect enormous challenges for local authorities. ICT has the potential to change spatial relationships and deterritoralise local government in a way which could make it irrelevant. The world of local governance is one of innovation of relationships but blurring of distinctions.

Waste management policy in Ireland demands that an importance be attached to all the stakeholders in the process. McCaffery (1989:195) comments, "stakeholders are decision makers within the organisation and its environment who have an interest in organisational performance and can help or hinder the choice and implementation of strategies. Stakeholders must be brought along for the strategy to succeed". The message from McCaffery is that external stakeholders need to be managed in a way that will permit them to assume ownership of strategic policy, such as local waste management plans. The partnership model which is now becoming omnipresent in the Irish public sector highlights the fact that "managing in the public sector now has far more to do with the managing of interest groups than it did in the past. Instead of being regarded as something of a nuisance, interest groups are increasingly and actively wooed. The bureaucracy relies on interest groups in making policy".

Leadership

Leadership is of pivotal importance. Paradoxically, or perhaps logically, the wider, inclusive and more complex nature of local governance places an even greater emphasis on leadership in the implementation process. Like it or not, the leader and primary power-house and initiator of change is the manager. Boston *et al.* (1996:98) note, "the quality of public management depends crucially on the calibre of people recruited to serve in leadership positions". Currently local authorities in Ireland operate on the tension between the executive and elected arms. This is predominantly a positive tension and can be paralleled with the concept developed by Waldrop (1992) and by Adam and Noble (1999) who refer to the 'edge of chaos' where order and disorder co-exist and maintain the life of a complex system. Waldrop (1992:12) explains that, "it (the edge of chaos) is the constantly shifting battle zone between stagnation and anarchy, the on e place where a complex system can be spontaneous, adaptive, and alive".

The executive/political 'battle zone' is of particular relevance in terms of waste management. The Waste Management (Amendment) Act 2001 provides that the making of a waste management plan is now an executive function of the county/city manager. Criticisms have predictably followed concerning the damage to local democracy from stripping local councillors of their powers. Yet, such valid criticisms must

be balanced by the realisation that many democratically elected councils across the country have repeatedly abdicated their responsibilities.

An editorial in the *Irish Times* of March 24th 2001 argues, "it has been evident for years that the elected representatives of some local authorities were reluctant to take difficult and unpopular decisions concerning the increasing amount of waste generated by our consumer society".

Re-engagement of the Public

While the executive/political power struggle in Irish local government is critical, it should not be forgotten that 'the public' can be the most effective barrier to implementation of waste management policy. Ireland is not a nation with a strong civic consciousness and enforcement of policies and legislative initiatives is often extraordinarily weak. The waste management debate in Ireland with regard to landfills and incinerators has been noticeable for highly charged emotional rhetoric and mis-information. Local authority consultation is often a token PR exercise while public indifference is often the order of the day when public information meetings are called. Yet, when facilities are proposed for a specific location the community is up in arms and the NIMBY attitude is all too apparent.

The levels of mis-trust between the authorities and the public in the waste management debate is fuelled by so-called 'independent' scientific experts who reach totally different conclusions based on the positions of their clients. The wider question of how to re-engage the public is not a simple one, particularly in the current climate. Training and education for politicians, civil servants and citizens alike is required and there is a need to focus on issues that matter to citizens rather than being led by the dictates of the market-place.

General Conclusions

It is apparent that the European Union needs an agreed common waste management strategy and the initiative of Commissioner Wallström in preparing a Green Paper for 2002 is a step in the right direction. European integration will help move towards a common definition of environmental problems and how to address them. However, even if a common waste management strategy emerges from the EU, the dangers of a generic 'one-fits-all' solution should be observed as the complexities of local implementation can be immense. Gaps in local implementation and inaction should be analysed as much as action. A decision *not* to do something is a political act, linked to power structures. In this regard, global environmental politics (GEP) must not be depoliticised and framed solely in scientific and technical terms. As Witherspoon (1996:39) notes, "public opinion about the environment is related to the democratic and political structures of member states – structures of franchise, inclusion and power".

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