

## **Multi-level “Partnership” and Irish Waste Management: The Politics of Municipal Incineration\***

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*Abstract:* This article looks at the deployment of partnership-as-governance in the area of EU and Irish waste management and incineration policy. Looking at the specific case of plans to locate a municipal incinerator at Poolbeg in Dublin, the key argument offered is that institutional arrangements in this instance fail to address fundamental issues of power inequalities. As a result, concertation actually increases levels of citizen's dissatisfaction and hostility, making community-based resistance against incineration all the more likely.

### I INTRODUCTION

In recent times, waste management has become one of Ireland's most heated political topics. Conflict, protest and resistance by communities over the introduction of the “bin tax”, municipal incineration and so-called “super-dumps”, coupled with the threat of legal action from the European Commission, have all conspired to give the Irish government a major political headache. But the issue of waste management is of interest for other reasons. It serves as an instructive case study on how partnership-as-governance – or more specifically, “social dialogue” – is configured in a multi-level or transnational context.

This paper looks at how partnership arrangements are deployed on Irish waste management policy, drawing on research from Dublin City Council (DCC) proposals to build a municipal incinerator at Dublin's Poolbeg Peninsula. The key argument made is that current practices – along with

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inherent institutional weaknesses – are more likely to augment opposition to government policy than enhance consensus amongst interested parties. These deficiencies exacerbate inequalities in power relations by neglecting to provide institutional space or “thickness” that adequately deals with such fundamental issues of governance.

I begin by briefly outlining the background to the case of the Poolbeg incinerator and the methodology employed in the study. Next, I show that the deployment of partnership and “social dialogue” are important features of European Union (EU) – and Irish – waste policy. Despite the popularity of such arrangements, it is argued here that partnership fails to address some of the key issues of governance in relation to municipal incineration policy. Deficiencies in this respect include an inability to successfully manage conflict and the lack of institutional decision-making capacity between partners. In other words, more deliberative modes of governance such as partnership cannot account for inherent power inequalities.

Therefore, it is the issue of power and how it is exercised, that proves to be the undoing of partnership in this particular case. More often than not, incineration is seen by many in the first instance as an “environmental issue”, where, for instance, political power, class and justice are seen as secondary in importance. Below, I argue the contrary, issues of power – whether political or economic, contribute significantly to the shape of policy outcomes.

Against this background, concertation processes deployed in relation to the Poolbeg incinerator are examined. Partnership in this instance has been manifestly unsuccessful in that, rather than producing a consensus between government and the affected communities, the process has actually heightened dissatisfaction and suspicion amongst citizens, making a community-based protest against incinerator plans all the more likely. I make this argument by examining three issues of power – inequality between social partners in terms of being able to affect policy outcomes; the issue of participation in final decision-making, where a stark differentiation must be made between participation in the governance process and direct involvement in decision-making; and finally, the problematic of the legitimacy of representation through the stakeholder system in the broader, public context.

## II BACKGROUND TO THE CASE STUDY – THE EU, WASTE POLICY AND THE PROPOSED POOLBEG INCINERATOR

The European Commission has consistently identified the environment as a key policy area and this has been reflected in the EU’s legislative programme (European Commission, 2001). Subsequently, the environment was the fastest

growing area of legislation in the 1980s. (Taylor, 2001, p. 22). The Commission has sought to regulate the management of different waste streams through legislation. The 1975 “Waste” Directive<sup>1</sup> encompassed much of what is included in Ireland’s primary piece of waste management legislation, the 1996 “Waste Management Act”.<sup>2</sup>

Meeting targets on the diversion of waste from landfill is a key part of EU – and Irish – legislation. Failure to achieve agreed targets can result in the imposition of legal and financial sanctions against offending member states. In response to its legal obligations, the Irish government instigated an “integrated” approach to waste management, allowing a number of different options to be employed simultaneously, for instance, landfilling, recycling and incineration, in order to reduce waste levels. In 1997, a report by consultants the MCKK Group entitled “The Dublin Waste Management Strategy Study”, recommended the building of a municipal incinerator for Dublin “... to burn most of the city’s commercial and domestic refuse” (*The Irish Times*, 23 December, 1999). In 1999, as part of the Dublin regional waste management strategy, four potential sites were selected as a possible location for an incineration plant. Out of those four sites, Poolbeg was identified as the preferred site.<sup>3</sup> When Dublin’s integrated waste management strategy was announced, it was expected that the incinerator plan would take anything from three to six years to implement (*Irish Independent*, 3 February, 2001). Dublin City Manager, John Fitzgerald stated in January 2001 that incineration could not be “foisted on people without taking account of legitimate fears” (*The Irish Times*, January 8, 2001). The preferred means of addressing these “legitimate fears” came in the guise of the Community Interest Group (CIG). The idea here was that members of the affected communities, Ringsend, Sandymount and Irishtown were given an opportunity to query various experts and interested parties about concerns over the incinerator. Almost immediately, however, both CIG members and other members of the communities saw the process as little more than a protracted public relations exercise on the part of Dublin City Council (DCC).

Some of the policy measures adopted by the government were always going to prove contentious with the public. In the policy statement *Changing Our Ways*, the then Environment Minister pointed out that in the Irish context, new waste initiatives have usually been greeted with “vigorous local

<sup>1</sup> Council Directive (75/442/EEC).

<sup>2</sup> The Act includes provisions for waste prevention, recycling, energy recovery, the establishment of what would become the Environmental Protection Agency (EPA), as well as the “Polluter Pays” Principle.

<sup>3</sup> The other three sites were Robinhood and Newlands in South Co. Dublin and Cherrywood in Dun Laoghaire-Rathdown.

opposition". (1998, p. 19). This assertion proved to be utterly prophetic. Community opposition was concentrated around the issues of the siting of regional "super-dumps", the proposed sites for incinerators, as well as increasing community opposition to waste charges, particularly in the Dublin region. Resistance to the government's waste strategy delayed its implementation and resulted in the government facing legal sanctions from the EU.

In response to legal threats from Europe in 2001, the government adopted the 2001 Amendment to the Waste Management Act (1996). In certainly the most controversial political move made by the government on waste policy, all decision-making powers on waste policy were removed from locally elected representatives (previously one of the few "reserved functions" of councillors), and was given to county or city managers – who are unelected officials. This paved the way for all of Ireland's regional waste strategies to be adopted, including, crucially, provisions for the building of incinerators. At the time, the Environment Minister, Martin Cullen, stated quite unambiguously that the planning process on waste management was "over-democratised" and that he did not believe it was "... adding anything to it by having so many layers involved". (*The Irish Times*, 12 September, 2002).<sup>4</sup>

Opposition to incineration and super-dumps continue countrywide. DCC spent much of 2004 submitting an Environmental Impact Statement for approval to the planning authority, submitting a licence application to the Environmental Protection Agency, as well as submitting an application to the Commission for Energy Regulation.<sup>5</sup> They have also conducted a number of "information sessions" with the public on various aspects of incineration. For their part, residents from Ringsend, Irishtown and Sandymount remain implacably opposed to the incinerator and have indicated that they will launch a rigorous campaign of opposition when the statutory process is enacted.<sup>6</sup>

<sup>4</sup> The role of city and county managers was strengthened again with adoption of "Protecting the Environment Act" (2003) where "local authorities are being given explicit power to discontinue the collection of domestic waste in the event of non-payment of charges" (Department of the Environment, press release).

<sup>5</sup> See <http://www.dublinwastetoenergy.ie/>

<sup>6</sup> One interesting development is a recent statement by DCC. In the statement they linked increases in domestic waste charges with the incinerator issue, claiming that waste charges will continue to increase until the incinerator is operational. Any opposition or delays to the incinerator will ensure more increases in charges in the future. See [www.rte.ie/news/2005/0418/waste.htm](http://www.rte.ie/news/2005/0418/waste.htm) – accessed 20 April, 2005.

### III RESEARCH METHODOLOGY

The research and data presented here is the result of a three-year case study, conducted between 2000 and 2003. The primary purpose of the research was to look at the impact of transnational forces on Irish political power relationships. The issue of the introduction of incineration into Ireland allowed for an analysis of the degree to which multi-level governance, transnational NGOs, and transnational “expert” discourse networks can impact at the local or community level.

A qualitative approach was adopted for the study. The principal reason for this is that the study deals with a number of concepts whose meaning are fundamentally contested. This can be seen in relation to the different understandings assigned to terms such as “participation” or “consultation” by key actors, and at different levels of governance. As a result, it is important, and I hope valuable, to examine how different actors perceive these issues in relation to governance processes surrounding incineration. This is especially relevant when attempting to ascertain how various transnational processes might impact at the local or community level and how people within communities themselves might perceive these processes.

The study adopted the use of “purposive sampling”, in other words, the deliberate selection of sampling that would yield the maximum amount of data relevant to the research question. This of course is a key rationale for choosing the case study format. Identification of the relevant sample of participants for this study came about primarily through conducting previous research on waste management in Ireland. In addition, a “triangulation” strategy of gathering data was adopted. Three principle methods were utilised – interviewing, participant observation, and documentary analysis, with interviewing being the primary source of data collection. This method of “multiple data collection” (Merriam, 2002, p. 25) allows the researcher to make a more informed interpretation of the data by checking the validity of one method with the findings from another method.

The research presented here includes extracts from a number of confidential interviews (given the politically sensitive nature of the subject) with residents from Ringsend – a residential area located in close proximity to the proposed site of the Poolbeg incinerator, elected representatives (Councillors, TDs and MEPS), officials (Dublin City Council, Government Departments and the European Commission) and representatives from a transnational NGO.

*Social Partnership, Dialogue and Governance: Waste Policy from Brussels to Ringsend*

With a diversity of competing origins invested in the term “social partnership”, comes, inevitably, a myriad of contested “meanings”. Depending on your point of view, “social partnership” is mere Corporatism dressed up in 21st Century terminology, the successful co-option of social and political opposition to the political/economic elite, or a clear signal of the emergence of political discourse that is firmly rooted in consensus building and deliberation. In this latter context, partnership-as-governance offers a proscription for some of the deficiencies residing within representative democracy – the so-called “democratic deficit”. Partnership offers the possibility “...to democratise and decentralise public life, as well as facilitate the renewal of the representative system by reconsidering the principles of delegation” (Rui, 2004, p. 131).<sup>7</sup> Whether or not such a “renewal” is possible through simple institutional rearrangements in relation to delegation is, of course, a highly contentious point.

One important “meaning” associated with Irish partnership incorporates the concept of “Social Dialogue”, which amounts to “...a structured exchange of views and formal opportunities for consultation rather than co-operation in policy making.” (Casey and Gold, 2000, p. 9).<sup>8</sup> In a study of 9 EU states, the authors found Ireland, and particularly the Partnership 2000 agreement as constituting “the most comprehensive form of ‘augmented’ social dialogue...” (*Ibid*, p. 122). This “co-operation in policy-making” approach can be seen in the inclusion of the Community and Voluntary sector in national partnership negotiations from 1997. (Hardiman, 2002, pp. 11-12). A broadening of the policy remit to include social policy and the establishment of the NESF (National Economic and Social Forum) are further indications of this approach, while the government has clearly stated in recent times:

*The State does not have a monopoly on wisdom or expertise in all areas of economic and social life. Problems can best be solved with the active involvement of the relevant stakeholders. The Government is committed to a social partnership approach across the policy spectrum.* (Department of the Taoiseach, 2004, p. 26.)

<sup>7</sup> “Partnership” in the Irish context also contains elements of what Casey and Gold refer to as the “new institutional economics” approach (2000, p. 3), as well as Catholic social teaching of the 1930s that emphasised “...the mutual dependence of labour and capital...” (Casey and Gold, 2000, p. 12).

<sup>8</sup> In much broader terms, the concept of partnership-as-governance has been viewed favourably by the Irish State. One particular innovation identified by the OECD was the development of “local partnerships” as a means of decentralising economic governance. The Boards of these partnerships comprised of national social partner organisations and local community interests. (OECD, 1996, p. 9.)

According to Casey and Gold, the “European Social Model” is “... clearly predicated upon the maintenance of social partnership and social protection” (2000, p. 2), where the concept of social partnership is seen as an effective mode of governance in many areas of EU social policy. The European Commission, by its own admission, acknowledges that EU political legitimacy cannot rely on representative democratic structures alone. (Commission of the European Communities, 2001) Therefore, key policy-making mechanisms involve consultation with recognised stakeholders from industry and civil society through more than 600 formal and informal structures and processes.<sup>9</sup>

EU waste management policy-making incorporates these mechanisms in a multi-level manner, where the communities to be most affected by policy decisions are given recognition as stakeholders. For example, in the 2000 “Incinerator Directive”, the EU stated that public consultation must be conducted prior to the building of such installations. Likewise, in a key Irish government policy document on waste management, *Changing Our Ways*, the government announced a “new approach to waste management planning” that involved “constructive cooperation with local communities and neighbouring local authorities...” (1998, p. 7). Its current “Race against Waste” campaign has developed a National Advisory Group and 3 Regional Waste Networks, involving stakeholders from sectors such as farming, business, the trades unions, NGOs, local authorities, the government and the community.

At the local level, initiatives such as the CIG in Ringsend have sought to include the views of citizens and communities in the implementation of policy on the proposed Poolbeg incinerator. At the inception of the CIG, Matt Twomey, Acting Assistant City Manager stated that:

*Serving on the Community Interest Group in no way indicates that you support the proposal to site a thermal treatment plant on the Poolbeg Peninsula. It simply means that you believe that the views of the community must be effectively represented.*<sup>10</sup>

In more general terms, DCC envisage civil society as having “a meaningful role to play” in the future governance of the city:

*The implementation of a more collaborative form of local governance requiring institutional thickness due to the involvement of a larger number*

<sup>9</sup> The EU is required by the EC Treaty to consult with both employers and trade unions in preparing policy proposals while the Maastricht Treaty included a formal declaration on the importance of enhancing the relationship between Non-Governmental Organisations (NGOs) and the Commission. (Casey and Gold, 2000, p. 123).

<sup>10</sup> Dublin Corporation press release, 14 June, 2001.

*of actors – viewed as stakeholders – representing the socially and culturally diverse population, working collectively with elected representatives and representatives from all sectors of social partnership.*<sup>11</sup>

#### IV PARTNERSHIP AS DELIBERATIVE DEMOCRACY

Social partnership shares many characteristics found in the broad conceptual framework of “deliberative democracy” (Smith, 2003, p. 85), where the importance of “rational discourse” – reasoned deliberation by participants within processes with the purpose of shaping public policy – is crucially important.<sup>12</sup> Through the use of rational discourse in the public sphere, collective choices are arrived at that distinguish universal interests from particular interests (Rui, 2004, p. 137). Simply engaging in the deliberative process supplies the requisite legitimacy to decisions that emerge because , participation signifies that actors are prepared to exhibit “...internal attitudes of mutual respect and impartiality that allow the development of imagination and empathy.” (Smith, 2003, p. 60.) Critically too, Smith points out that “[a]s long as participants accept the conditions under which collective decisions and judgements are reached, disagreement does not undermine deliberation.” (*ibid.*)

However, a number of problems arise when we consider deliberative democracy at a theoretical level and I would argue that this is because theoretical – and institutional – arrangements of deliberative democracy (and partnership) resolutely fail to consider power relations in any meaningful way. For instance, can the same value be placed on participating in a deliberative process as can be placed on participation in the final decision-making itself? As we will see, this distinction is crucial. Despite the emergence in recent times of more institutional mechanisms enabling citizens to get more directly involved in public policy processes, “...the very moment of decision-making is still protected.” (Rui, 2004, p. 133.)<sup>13</sup> The key issue of the “institutional design” for decision-making:

<sup>11</sup> See [www.dublin.ie](http://www.dublin.ie)

<sup>12</sup> Some authors (Salskov-Iverson, 2000; Fischer, 2004) see the move towards a more deliberative democratic model as an inevitable consequence of the growing “complexity” of global and transnational multi-layered, political networks.

<sup>13</sup> Switzerland is cited as the only exception where legal frameworks ensure the sharing of decision making. (Rui, 2004, p. 133.)



*...generally remains a highly abstract and theoretical endeavour – that it fails to systematically engage in the “messy” and more detailed task of institutional design. In particular, there has been a lack of detailed analysis of institutions that would allow for the political engagement of citizens in the decision-making process.* (Smith, 2003, p. 79).

The deficiencies in institutional design for decision-making are seen by some as a key weakness in the workings of Irish national partnership arrangements. For instance, the “Community Platform”, an umbrella organisation for Community and Voluntary groups and a recognised stakeholder in national negotiations, eventually withdrew from talks in 2002 claiming that the government was failing to consult meaningfully with organisations on a number of crucial policy issues.<sup>14</sup>

A second, related theoretical issue focuses on the implication that consensus or “problem solving” will emerge from the deliberative process, almost as a consequence of entering into the process itself. Smith certainly alludes to this when commenting that “disagreement does not undermine deliberation” and that deliberation allows space for “value pluralism” (2003, p. 21). As we have seen, deliberative democratic theory assumes that those who take part in the process do so in a reasoned and rational manner, with respect and impartiality, where a rational consensus is arrived at through deliberation. In other words, there are no zero sum games to be considered, there are no power configurations to be accounted for. Does this sound plausible? As Fischer argues – “...given the pluralistic nature of modern societies, deliberation is just as likely to produce conflict and disagreement as it is to generate consensus” (2004, p. 23). Rui goes further, citing evidence from an empirical study on public concertation on transport policy in France, arguing that rather than making conflict disappear, concertation can add fuel to the fire and act as a rallying point for “citizen mobilisation” (2004, p. 133).

## V POWER, GOVERNANCE AND ENVIRONMENTAL JUSTICE

Thus far, the argument has been made that partnership-as-governance, both theoretically and institutionally, negates any meaningful consideration of power relationships. And yet, the asymmetries of power, in many respects, underlines the governance and partnership arrangements in relation to the Poolbeg incinerator. This has relevance with many environmental issues,

<sup>14</sup> Community Platform Press Release, 29 April 2002 – [www.nwci.ie/documents/ppfpr\\_290402.doc](http://www.nwci.ie/documents/ppfpr_290402.doc)

where in recent times, there has been an increased focus on social justice as a strong, mitigating factor in any consideration of sustainable development. (e.g. Scandrett et al 2000). The concept of environmental justice is primarily concerned with the critical importance of class, race and inequality in framing environmental discourses and associated governance processes. A recognition of environmental justice is a recognition that:

*...some are losing and others are winning benefits from environmental damage, there is a need to prioritise the interests of the losers, and privilege is seldom given up voluntarily (Scandrett et al., 2000, p. 473.)*

If the ability or capacity to exercise power offsets, or alternatively, exacerbates the effects of environmental injustice, then, according to Leroy and Verhagen, the capacity to exercise political power, through mobilisation and access, is central (2003, p. 164). The issue of access to political processes is a salient feature of this case study. The removal of decision-making powers from elected representatives by the government in 2001 effectively meant that access to political processes for residents was reduced to participation in the CIG. This important factor notwithstanding, the issue of whether representation through institutionally recognised partners/stakeholders gives members of the public adequate access to political processes needs to be considered. The inequality in power between stakeholders and government – epitomised in the “protection” of final decision-making, between stakeholders themselves, and finally, between stakeholders and the public, take on added importance in the absence of any representative democratic processes. The nature of these asymmetrical relationships and their impact in relation to the Poolbeg incinerator are discussed in greater detail below.

## VI POOLBEG INCINERATOR CASE STUDY – UNEQUAL PARTNERS

The first aspect of the case study I wanted to examine concerns some of the core assumptions made in deliberative modes of governance about its participants, chiefly in characterising them in a simplistic, “rational pluralist” manner. From this “ideal type” emerges a second assumption – that engaging in the process, even when there are manifest disagreements between protagonists, results in a rational consensus emerging through a process of deliberation. However, this description of social partnership negates the effects of power relations between stakeholders in such processes. Put simply, some partners are more equal than others in their ability to influence process outcomes.

In the case of the Poolbeg incinerator, inequalities of this nature are observable at different levels of governance and have, it can be argued, a significant impact on framing policy. For instance, at EU level, concertation is formalised within the Economic and Social Committee (ESC). The ESC constitutes a consultative forum for stakeholders to examine Commission legislative proposals and offer their views and opinions on policy. On waste management policy, these stakeholders can include the private sector (both the waste industry and industry in general) and NGOs such as Greenpeace or Friends of the Earth. While both sectors take part in consultations on proposed legislation, a common complaint from NGOs, however, is that the private sector is able to influence policy outcomes far more directly and effectively than themselves.

For instance, one representative from a transnational NGO recounted her experience of a consultation process involving EU legislation:

*...the only experience I had with policymaking process on an EU level was with waste from national electronic products. In my opinion it would be more open and transparent than policymaking process here in Ireland. I do think for that Directive [waste from national electronic products] they actively looked for participation from NGOs. They had a massive industrial lobby against a certain element of that Directive and they looked for NGOs to give their opinion. They went out of their way to get opinions from NGOs. So I do think that was positive.*

However, in assessing overall impact on policy outcomes, the NGO representative went on to say:

*I think the industry lobby did win out but it went through a couple of drafts of that Directive. In its purest sense, when the first draft of that Directive was brought out, it would have been more favourable to NGOs, but the massive industrial lobby changed it. The industrial lobby has more time, more resources to put into lobbying than maybe NGOs do. So that's an imbalance that might not necessarily be corrected by the EU consultation process...*

Resources are a major issue here. It is not unusual for major industrial sectors or firms to have a permanent lobby presence in Brussels. Even the largest NGOs would have difficulty competing with that level of resources. An Environment Commission official made the following observation:

*There was a stakeholder meeting, where everyone was invited, including the public. It was interesting to see at that meeting that 99 percent were from the waste industry and/or producer industry, and there was one representative from an NGO and that was it. But again, its not that surprising given ...public understanding of the system and how to get information, and secondly, of course, the resources involved.*

Local NGOs fare even worse in EU governance processes. First, local NGOs are not “recognised” stakeholders according to current Commission definitions – this has critical implications in terms of access to governance processes. A representative of a transnational NGO offers the following evidence of what he saw as a failure by the EU to properly consider the views of the more locally-based NGOs:

*I was at a conference in December in the UK and the furniture recycling people found that the policy had failed in the European Union. Waste management policy had failed to take into account the activities of hundreds of reuse organisations...its an example again of the kinda top-down and the lack of maybe facilitating input from grassroots groups throughout the community...*

One Irish MEP was more forthright in identifying the reason why local groups, such as the Ringsend residents, cannot impact on decisions at EU level – a lack of political power and a lack of accountability on the part of the Commission:

*...their views don't really count because they're not important. I mean, I'm not saying they're not important, but that's the way it's looked at by the institutions. Look, I mean, if there's a local residents group down in Ringsend and they're really not happy with what's going on [in relation to the incinerator], it doesn't really bother the Commission because the Commission aren't accountable to them, they don't have to worry about going back and getting re-elected or whatever.*

At the national level, the needs of the industrial sector – under the auspices of the need to maintain economic competitiveness – has clearly had an impact on the direction of waste management policy, particularly when incineration is considered. It is here that the machinations of power significantly frame governance processes (partnership, deliberative or otherwise), as much as policy outcomes. Mark Boyle (2003) has argued that in order to maintain competitiveness in the economy while at the same

complying with EU waste regulations, the Irish government has opted for waste management options that favour “end-of-pipe” solutions. “End-of-pipe” solutions are those have least impact on the design and production processes – hence minimising costs of waste to industry. In practice this means the introduction of incineration – something that NGOs – transnationally, nationally and locally, are totally opposed to.<sup>15</sup>

## VII A REAL VOICE – INCLUSION IN DECISION MAKING

One of the key arguments offered here is that social partnership processes fail to develop an “institutional design” for decision-making. One of the perceived benefits of the partnership mode of governance is that it gives a “voice” to those who habitually find themselves excluded from decision-making processes. However, concepts such as “participation”, “inclusion” or “community empowerment” need to be critically scrutinised not least in terms of overall impact on decision-making. It is far less problematic to give a voice to certain groups if a basic consensus exists between partners – particularly those of unequal capacity to influence decisions. But the effectiveness of this “voice” only becomes apparent when conflict or differences arise between partners.

Instead of concertation offering an opportunity for a more inclusive decision-making process, the reality can be somewhat different. Rui argues that concertation is less about consensus and more about offering a forum for citizens to express their opposition to policies:

*Empirical studies lead to a general observation: concertation is first and foremost an opportunity to express dissatisfaction and frustration. Everybody says that citizen participation represents democratic progress. At the same time, nobody is fully satisfied with how it unveils. In fact, most are more dissatisfied than they are satisfied. (2004, p. 134.)*

One of the reasons for citizen dissatisfaction is the perception that consultations rarely, if ever, impact on final decision making. If we look again

<sup>15</sup> An associated argument here is that the government have effectively subverted EU guidelines on waste as set out in the EU’s “waste hierarchy”. The waste hierarchy sets out the most favoured options for waste management – beginning with prevention of waste, then reduction, recycling, recovery (including incineration) and finally disposal. Critics of government policy point out that current strategies are all geared towards least favoured options that do least to affect the amount of waste that is being produced. They further argue that this is because concentrating on prevention and reduction would be most unfavourable to the industrial sector as it would force firms to internalise waste costs.

at the CIG process, we can see this point being illustrated. From the outset, the definition of terms such as “consultation” or “inclusion” differed greatly between the understanding of DCC and community residents. DCC saw the CIG process as giving “voice” to the community in a limited fashion. It was meant only as a forum for raising concerns over incineration, not as a means of challenging decisions already taken on the Poolbeg incinerator. According to one DCC official – “The waste management plan was adopted in 1998...long ago...long, long, long ago. The site was identified in 2000...long ago. Happened. Done. Finished.” This official was very clear on the status of CIG in relation to decision-making processes – “I think it’s nice to know what they [CIG members] think but there’s nothing that their opinions can do to change the waste management plan.”

One TD for the area made this observation on the CIG consultation process:

*...knowing what I know about the Ringsend/Poolbeg location, it’s very like “we’ve decided to kill you, but we’ll have a consultation process as to the method of execution”. And while there are some benefits to that, because people, if they are going to be killed, would choose the least painful way, to be flippant about it, they’re still going to be killed.*

Critically, this respondent added:

*...in one sense, it’s [CIG] a genuine improvement than what was the case before. But set against the hierarchy of decision making, it really is affecting the quality of the decision on the margins rather than at central level.*

Given that the residents from the communities to be most affected by the proposed incinerator have no recourse to elected representatives on this issue and that the only way the governments policy can be challenged is through the planning authorities, it is no surprise that some residents viewed this exercise in “inclusion” as little more than an exercise in public relations by DCC.

Contrary to Smith’s (2003) view that participation in deliberative processes signifies “respect” and “impartiality”, outcomes can be divisive for all involved. Again, Rui points out that concertation breeds suspicion especially if citizens enter into these processes believing that they *can* affect final decision making:

*Many analyses denounce the manipulation and instrumentalisation of inhabitants, insisting on the insidious logic that gives citizens the illusion*

*that their opinions that their opinions could be taken into account. This suspicious attitude seeks to unmask the procedural illusion in order to show that formal democracy is an obstacle to “real” democracy.” (2004, p. 135.)*

DCC would reject the “PR” accusation out of hand. According to one Dublin City Council official who worked closely on the CIG, the objective was “consultation”, but consultation within strictly defined parameters. When asked directly whether CIG constituted “consultation” with the community, she answered:

*Right...from my own point of view, I would say yes...from their point of view [the residents], they would probably say no. And the difference I suppose is that in the terms of defining what is the scope of the consultation.... The goal of the consultation in relation to the Community Interest Groups was them looking at impacts and in that respect, it certainly has been consultation.*

For their part, residents would argue that conducting consultation at the implementation phase of policy-making is largely a redundant exercise. Inclusion, without the ability to influence decisions, does not, according to some of the residents, constitute “proper” consultation. According to one resident who described what she felt what “real” consultation should be:

*You start at the beginning and they’re forgetting a blank page is the beginning, it is proper consultation because you get everybody’s view. Now the end product is not going to suit everybody and nobody expects it to, but there has to be a compromise somewhere, but it has to start with a blank page.*

## VIII WHO DO STAKEHOLDERS REPRESENT?

Whether at EU level where a distinction is made between “recognised” NGOs and local groups, or at national level, where specified groups are invited to participate in consultation processes with the government, it is clear that inequality of representation exists within civil society itself. Within the term “community and voluntary sector” a myriad of organisations exist with their own agendas and interests, and with vastly different capacities to access flows of power and decision-making processes. The inclusion or exclusion of organisations by institutions such as the EU invites accusations of co-option

where only the “usual suspects” are included in partnership arrangements.

A look at the workings of the CIG in Ringsend is a case in point. One of the more controversial issues emerging from this process related to the question of whether the members of the CIG represented the wider community. This became a critical point for CIG members. According to some of those that were directly involved in this process, DCC deliberately attempted to portray consultation with the CIG as consultation with the community. A CIG member commented:

*...on numerous occasions, I stated very clearly I wasn't there representing the community. I stated very clearly that I hadn't got a mandate to represent the community. But they constantly used the wording “on behalf of your community”. And that really upset me because I made it very clear to them...and even though I very loudly made it clear, I was still ignored.*

CIG members were worried that if the CIG process were indeed perceived as consultation with the wider communities of Ringsend and Sandymount, then a certain degree of legitimacy would be bestowed on the process and its outcomes. The CIG members went to great pains to point out in its final report that the process did not constitute any kind of consultation with the wider communities and that this requirement is yet to be fulfilled:

*Each member has served on the CIG committee as an individual, and any views expressed are individual views and opinions, and should not be taken as indicative of the views of any wider group or association. (Mercator Marketing Research, 2002, p. 11).*

This brings us to a key issue in relation to the deployment of partnership-as-governance. Interest groups or stakeholders, whether they are transnational NGOs, the private sector or even community-based groups obviously do not have to represent views of people other than their own members and according to Casey and Gold (2000), “there is...a danger that encompassing organisations become over-confident in their pursuit of what they identify as a public good...” (p. 8). But can a system of governance that relies primarily upon the views of interest groups ever be said to act in the “public good”? Can they ever adequately represent views of non-members? More importantly, can such a system acquire enough legitimacy with the public in general, particularly on such a contentious and important public issue as the introduction of incineration into Ireland?

While opposition to the proposed Poolbeg incinerator is still in its infancy, from the very beginning, one transnational NGO – a recognised stakeholder



both in EU and Irish consultation processes – became closely involved in a protest against the incinerator. It became clear from the outset that the transnational NGO had its own agenda to pursue through this local protest campaign. According to a representative from this organisation, campaigns of this sort followed a distinct pattern – the NGO would plan and run the campaign, while the community itself would be excluded from any strategic decisions. Despite this exclusion – and the lack of any mandate, this organisation saw itself as acting on behalf of the residents on the incinerator issue.

It was evident from an early stage that the aims of this organisation and the aims of the residents of Ringsend diverged somewhat. One of the central themes that the transnational NGO was keen to promote was to conceptualise incineration as a global issue – an actualisation of the “thinking globally, acting locally” paradigm. Some residents saw this as an “agenda” that was being promoted by the NGO – over the interests of the community – and voiced their concerns. One NGO representative comments:

*Well...Personally I had a lot of opposition one evening from a member of the Ringsend community. What I tried to do was put forward the view there is global issues involved in this. Just because this horrible machine ends up in one community is where all the sourcing is coming from...i.e. where all the waste is coming from and that it wasn't necessarily about communities themselves. The whole picture has to start at community and work its way out and....I was told that I had an agenda....I was flawed and that I shouldn't be talking about that and that it was only about the incinerator there.*

This particular dispute was resolved primarily because the NGO has had a major rethink on its strategy in relation to involvement with community-based protest campaigns. The new position it takes to act merely as a resource of expert knowledge, to be accessed if and when members of the community request it.

## IX CONCLUSION

One accusation generally levelled at national partnership agreements is that they are effectively a means of co-opting potential opposition to policy. If this is the case, then it is a ploy that has resolutely failed in relation to the Poolbeg incinerator. The institutional deficiencies identified here, means, as Rui contends, that concertation enhances dissatisfaction amongst citizens.

The case that I have looked at here breaks one of the key rules of social partnership and concertation – namely that these arrangements are meant to *complement* and not *replace* representative democratic processes, particularly so if the “institutional thickness” does not exist in order to successfully manage issues of conflict and decision-making. The consequence of the 2001 Amendment to the 1996 Waste Management Act was that any subsequent governance arrangement would struggle to generate any substantial legitimacy amongst citizens. Removing decision-making powers from elected representatives adds an extra burden to concertation arrangements and only breed’s dissatisfaction, frustration and suspicion.

Added to this are issues of inequality amongst partners, exclusion in final decision-making for residents elected representatives and certain stakeholders, as well as a lack of adequate representation through the stakeholder system. Taken together, I would argue that partnership-as-governance in this instance is only likely to enhance the possibility of a community-based protest emerging during the course of statutory process, rather than creating any durable consensus between citizens, the government and other interested stakeholders.

The main issue here however, is that the institutional arrangements of partnership-as-governance – as it has been exercised in this case – manifestly fails to engage with issues of power. Without recognition of the asymmetrical way in which decision-making power is distributed, terms such as “public consultation”, “participation” or “social inclusion” remain largely hollow when it comes to governance. If partnership-as-governance is to become viable – either as an appendage to existing governance processes or as a reconfiguration of governance itself, then a number of issues need to be examined by all concerned. These include addressing the inequality between stakeholders through capacity building measures, exploring and identifying the parameters by which representation through stakeholders is acceptable, and lastly, a clearer definition of anticipated outcomes from concertation processes – particularly whether or not it means inclusion in final decision-making – so as to avoid charges of deception.

DCC states that “...participatory democracy and active citizenship at local level calls for a devolution of power to the extent that the decisions made genuinely reflect the views of those communities most likely to be affected by them”.<sup>16</sup> I would argue that such an arrangement is not feasible if issues of inequality between partners, representation through stakeholders and inclusion in final decision-making are not adequately addressed.

<sup>16</sup> See [www.dublin.ie](http://www.dublin.ie)

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