

SCOTLAND AND EUROPE, OR: ROOM AT THE TOP FOR 'CONSTITUTIONAL REGIONS'?

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ABSTRACT.** *Scotland, it is sometimes said, is more Euro-friendly than the rest of Britain. And, yes, some opinion polls would support that. Scotland is slightly more favourably disposed towards the Euro. And outright Euro-scepticism is not as thick on the ground as in the southern parts of England. But the differences are pretty marginal. Scotland's love for Europe might be more fiction than fact. And yet, as is often the case with myths, it is an important factor in Scottish politics.ⁱ But the real issue for Scotland and Europe in the immediate future is its representation and participation in the governance of the European Union. With devolution in the UK, Scotland – with its own Parliament and Executive – has been firmly put on the political map of Europe. Together with similarly powered 'regions',ⁱⁱ Scotland's Parliament and Executive are making their case for an input of the 'third level' into a multi-level system of European governance. Is there room at the top for Scotland and the 'constitutional regions' of Europe? The answer to this question may play a significant role in determining Scotland's future: either as an integrated part of both the UK and Europe, or as an 'independent' state in the European Union.*

Founding Principles

In March 2003, the Scottish Parliament will have completed its first four-year session. Preceding its establishment in 1999 the Scottish Constitutional Convention and the Consultative Steering Group agonised for years over the shape the Parliament was going to take. A considerable role in the deliberations of political parties and a wide range of representatives of Scottish civil society was played by the examination of best practice from other devolved or federal sub-state parliaments and assemblies, as well as from small states like Denmark, Finland or the Netherlands.

The Consultative Steering Group, in its Report of December 1998,ⁱⁱⁱ laid down four key principles for the operation of the future Parliament:

- Power-sharing: between the Scottish people, the legislators and the Executive;
- Accountability: of the Executive to the Parliament, and of Executive and Parliament to the Scottish people;

- Access and participation: an open, accessible Parliament enabling a participative approach to policy-making and the legislative process;
- Equal Opportunities: gender balance and equal opportunities for all in the Parliament's operation and appointments.

These principles, widely endorsed by the supporters of the Constitutional Convention as well as by all political parties in Scotland, have guided the establishment and early years of the Parliament.^{iv} But the Scottish Parliament is still a very young institution, and in all our discussions we need to be aware that what we see is "the evolution of devolution" ^v or, in a phrase coined by the former Secretary of State for Wales, Ron Davies, which has by now become somewhat of a cliché, that devolution is "a process, not an event".^{vi}

In the Parliament's committees one can see at work what might be called 'new politics' – the working together of MSPs who seem fully concentrated on the matter in hand rather than focusing solely on their party line. In the monocameral Scottish Parliament, the

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committees, “the real success story.... the engine room of a new politics”,^{vii} have six important functions:^{viii}

- to consider and report on the policy and administration of the Scottish Administration;
- to conduct inquiries into such matters or issues as the Parliament may require;
- to scrutinise primary and secondary legislation and proposed European Union legislation;
- to initiate legislation;
- to scrutinise financial proposals and administration of the Scottish Executive (...), and
- to scrutinise procedures relating to the Parliament with recommendations.

It is important that the committees can generate bills, or adopt private Members' bills, and thus initiate legislation. It makes them a proactive force of the legislature. It is therefore not surprising that committee work takes up substantial Parliamentary time.^{ix} By the beginning of 2003, over 1600 committee meetings had taken place, fifty of them outside Edinburgh,^x creating a sense of parliamentary presence beyond the Central Belt. The committees are, thus, an essential link between the parliament and civil society, reassuring the electorate that the Parliament is working in partnership with them and for their interests. The Parliament's powerful committee structure, and the impressive number of 49 cross-party groups, emphasises the involvement of civic society in its work, offering and facilitating contact and dialogue between the legislature and the people it represents. The Parliament, in 2001, adapted its committee structure to ensure that MSPs have the ability to participate fully in this important and time-consuming consultative, legislative and scrutinising role of the committees.

The European Committee

Despite the fact that the Scotland Act of 1998 defines foreign relations and 'Europe' as a reserved matter, i.e. firmly within the responsibility of the ('sovereign') Westminster Parliament, both the Scottish Executive (with external relations as a ministerial portfolio) and the Parliament have engaged in EU affairs. After all, about three quarters of legislation emanating from the EU is being implemented at regional or local level.^{xi} The committee structure of the

Scottish Parliament includes a European Committee.^{xii} Since March 2003, its new name – European and External Relations Committee – reflects the growing remit of the Committee even beyond the EU:

- proposals for European Communities legislation
- the implementation of European Communities legislation
- any European Communities or European Union issue
- the development and implementation of the Scottish Administration's links with countries and territories outside Scotland, the European Communities (and their institutions) and other international organisations; and
- co-ordination of the international activities of the Scottish Administration.

Of particular importance for Scotland are fisheries and agriculture policies and structural funds. But the Committee has also taken a very active role in dealing with issues like EU enlargement and internal EU reform. And it played an active part in establishing links across and beyond the European Union between the Scottish Parliament and other assemblies and parliaments.

Scotland's Representation in the EU

In April 2002 the European Committee agreed to conduct an 'Inquiry into Scotland's Representation in the European Union'. During the summer, the Committee received written responses to this inquiry, in September and October the Committee took oral evidence from relevant bodies,^{xiii} and on 29 October 2002 the Committee's reporters – Helen Eadie MSP (Labour) and Ben Wallace MSP (Conservative) – visited Brussels to take part in a series of meetings with Scottish organisations and representatives, as well as representatives from the German Länder and the UK's Permanent Representation to the EU (UKRep), based there. The Report was published at the end of November 2002. Its main findings were:

There is an extensive range of organisations and individuals representing Scotland in the EU, from government bodies to industry, trade unions and

academia, networking, gathering information, analysing and interpreting emerging policies, looking for partners and commercial opportunities, promoting goods and services.

- The favoured approach seems to be 'Team Scotland': the endeavour to present a common and co-ordinated voice of Scotland in the EU.

- The main formal instrument for co-ordinating elected representatives' views on European affairs is EMILE, consisting of the Deputy First Minister (as Minister with responsibility for external relations), members of the European Committee, members of the Committee of the Regions, Scottish MEPs, members of the Economic and Social Committee, members of CoSLA and Scotland's representatives on the Conference of Peripheral and Maritime Regions. The principle of EMILE is worthy of support, but its workings need reform to make it more efficient. Neil MacCormick MEP (SNP) is quoted: "The EMILE Committee does not seem to have been very effective recently. To work properly, it requires much longer-term planning of Meetings."^{xiv} It should meet at least twice a year, preferably coinciding with the changes in the EU presidency.^{xv}

- Another important instrument is CALRE (Conference of the European Regional Legislative Parliaments), consisting of the chairs, speakers, presiding officers of the legislative 'federal state' or devolved parliaments of the European Union – all in all 74 'constitutional regions' from eight countries.^{xvi}

Scotland at present has eight representatives (four full and four alternate members) in the Committee of the Regions (CoR), established as a consultative body of the EU in the Maastricht Treaty of 1991, and inaugurated in 1994. Apart from the fact that the CoR is merely consultative, there is the great diversity of regions and localities represented in it.^{xvii} In a previous Report,^{xviii} the Committee had come out in favour of an increased role for CoR in EC/EU decision-making, including access to the European Courts.^{xix}

In addition to the many representations Scotland already has in the EU (Executive, social partners, etc), the final recommendation is that the Scottish Parliament acquires a distinct presence of its own in Brussels.

Regional Partnerships

Both the European and External Relations Committee and the Scottish Executive have been active in building new 'regional' links between Scotland and other 'constitutional regions' in the EU and small states inside and outside of the present EU. One of the first steps the devolved Executive took in 1999 was the establishment of Europa House in Brussels, a public-private clearing house both representing Scottish interests in Brussels and gathering and disseminating information about European initiatives and pre-legislative processes.^{xx} In December 2000, after an initial phase of information gathering and "learning to walk", the then Minister with responsibility for Europe, Jack McConnell MSP (Labour), announced a "step change" in Scotland's engagement with Europe.^{xxi}

The first visible sign of that step change came when First Minister Henry McLeish signed, on 28 May 2001, the Flanders Declaration, a document expressing the intent of seven self-governing 'constitutional' regions' in the EU to coordinate their approach to the 2004 Intergovernmental Conference and Berlin summit, where the input of sub-member-state legislatures into the system of European governance will be on the agenda.

On 2 May 2002 the Scottish Executive signed a Protocol of Co-operation with the Government of Catalonia, which was substantiated in November 2002 in an Action Plan signed by Deputy First Minister Jim Wallace and Catalan Prime Minister Artur Mas at the Palau de la Generalitat in Barcelona. The range of co-operation envisaged reaches from e-Government through financial and economic interchanges, education and training, combating of drug abuse, culture, sport, the environment, to food and agriculture, youth and employment.^{xxii}

On a broader level, Scotland, like the UK's other devolved administrations and other European regional governments, have come together to discuss matters of mutual interest and to maximise their influence within the EU in the "REGLEG" group of Regions with Legislative Powers. The Scottish Executive and the Welsh Assembly Government play an active role in this

group and, once devolution is restored, the Northern Ireland Executive would be likely to do so too.

During a REGLEG conference in Tuscany on 15 November, the First Minister met Claudio Martini, the President of the regional government of Tuscany and signed another co-operation agreement, taking forward co-operation with Tuscany, as part of the Executive strategy of developing links with regional governments.^{xxiii} In February 2003, Enterprise Minister Iain Gray signed a third regional partnership agreement, this time with North Rhine-Westphalia, focusing on biotechnology and 'green' technology, but also on EU policies of common interest – like structural aid and the discussions on the Future of Europe.^{xxiv} In addition, the Executive has, over the past four years, established friendly contacts and exchange with the Czech Republic, the Baltic states and Scotland's Scandinavian neighbours across the North Sea.

The Scottish Parliament and the European Committee have reinforced and complemented these 'regional' links. According to the most recent Report of the European Committee, recent initiatives within the UK and across the EU include:

- The establishment of the EC-UK group (European Chairs – United Kingdom), a grouping of the European Committees of the devolved assemblies and parliaments and Westminster which has met on four occasions so far, discussing common interests.
- Working on an agreement with the European Affairs Committee in the German State Parliament of Saxony-Anhalt with a view on closer inter-regional co-operation, particularly in the area of regional development funds.^{xxv}

On 7 September 2002, after a series of successful video conferences, the Network of Regional Parliamentary European Committees (NORPEC) was established at its first meeting in Edinburgh, a nascent network including, at present, the Scottish, Catalan and Flemish Parliaments' European Committees. They agreed to expand the activities, and to broaden its membership to other committees of similarly powered 'regional' parliaments in the EU.^{xxvi}

Convention on the Future of Europe

The Laeken Summit in December 2001 established the 105-member Convention on the Future of Europe^{xxvii} under the Presidency of former French President Valéry Giscard d'Estaing. It had its inaugural session in Brussels on 28 February 2002. The Convention's remit was to look into four major areas:

- a better division and definition of 'competence' in the EU: clarifying and defining where the EU should act, where Member States should act, and where they should act together;
- how to simplify the way in which EU policies and legislation are implemented;
- democracy, transparency, and efficiency in the EU;
- the drafting of a Constitution for European Citizens.

Its task is, in other words, to formulate solutions in order to ensure the effectiveness of an expanding Union in a globalised world. But it is also about reconnecting the citizens of Europe with the institutions of the EU, about enhancing the democratic legitimacy and the transparency of the Union and its institutions. It has been working on a European Constitution and produced a report in June 2003. Its results should, to a large extent, determine the success of the subsequent Intergovernmental Conference.

The Scottish Executive has contributed in three ways to the Convention's deliberations:

First Minister Jack McConnell delivered a speech to the European Policy Centre in Brussels on June 6, 2002, entitled 'The Future of Europe Debate: A Scottish Perspective'.^{xxviii}

In Florence, on 14 November 2002, the Executive signed a Declaration by 40 Regions with Legislative Power on the Future of Europe;

Through the work of the Committee of the Regions (CoR), including the adoption of a CoR Opinion prepared by the First Minister on 'More Democracy, Transparency and Efficiency in the EU'.^{xxix}

At the beginning of February 2003, a paper on 'Europe and the Regions' was submitted to the European Convention by the UK Minister of Europe, Peter Hain, in his capacity as the UK Government's representative on the EU Convention. This was a joint

submission on behalf of the Scottish Executive, the Northern Ireland Office, the Welsh Assembly Government and the UK Government.

It concurs with the Scottish Parliament's demand for full institutional status of "a new" Committee of the Regions, perhaps under a new name,^{xxx} but emphasises the EU as a "Union of Member States, each responsible for its own internal constitutional arrangements."^{xxxi} It urged greater pre-legislative scrutiny, more contact between the Commission and regional administrations and a more formal involvement of devolved parliaments and assemblies in the UK's internal procedures under the proposed 'early warning system' to monitor subsidiarity.^{xxxii}

On 16 September 2002, the European Committee had invited the general public to a full-day event in the Scottish Parliament Debating Chamber. Over 120 delegates met and had their say on the future of Europe. Along with the contributions the Committee received on its interactive internet forum, the views expressed at this 'Scottish Parliament Convention on the Future of Europe' were incorporated into the Committee's December 2002 Report.

The Parliament's position goes further than the Executive's. It advocates a twenty-first century EU as a "Union of its nations, regions and its people."^{xxxiii} Not surprisingly, it holds that the founding principles of the Scottish Parliament should be "used as a template for a new European union": power-sharing between citizens, legislators and executive; accountability (EU executive accountable to European Parliament; Parliament and Executive accountable to the EU's citizens); an accessible, open and responsive EU with a participative approach to the development, consideration and scrutiny of policy and legislation; and equal opportunities.^{xxxiv}

It demands a "new relationship between the Commission and the 'regions' which would see 'constitutional regions' acquire the status of 'partners of the Union', as an "integral part of the EU's structures", "recognised as such in the Treaties and working procedures." It also calls for the creation of a "Regional Affairs Council" involving ministers from the regions with legislative powers and working

alongside the Council of Ministers. Crucially, it wants "direct access" for the legislative regions and the CoR to the European Court of Justice^{xxxv} (while the Scottish Executive, even having signed up to that demand in the Flanders Declaration, has repeatedly stated "that it not fully endorse the calls for the right of access to the ECJ"^{xxxvi}).

Giscard d'Estaing's first draft of a European Constitution did not explicitly mention the regions.^{xxxvii} Neither did the cornerstone speeches on the future of Europe by German Foreign Minister Joschka Fischer^{xxxviii} and French President Jacques Chirac^{xxxix} in Berlin or Tony Blair in Warsaw.^{xl} This was particularly puzzling in Joschka Fischer's case; had the German Greens not been champions of a 'patchwork Europe', a 'Europe of the Regions'? At the beginning of the twenty-first century we find ourselves a long way from the rhetoric of a 'Europe of the Regions' as demanded, among others, by the German Länder until the early 1990s.^{xli}

The German Länder managed, during the ratification of the Maastricht and Amsterdam Treaties, to secure participation and veto rights within the constitutional framework of the Federal Republic through their role in the second chamber, the Bundesrat.^{xlii} There is no equivalent for Scotland. Lacking a written constitution, and given the wording of the Scotland Act of 1998, Scotland's influence in European affairs on the UK level depends on good will and convention.

That is one of the major differences between the early deliberations of the Constitutional Convention and the terms of devolution as laid down in the Scotland Act. While its 1990 document demands the "statutory entitlement for Scotland's Parliament and/or Executive to be represented in UK Ministerial delegations to the Council of Ministers",^{xliii} this was, in its final document, watered down to representation "in UK Ministerial delegations to the Council of Ministers where appropriate."^{xliv} In the White Paper of 1997 the definition was clear: "Relations with Europe are the responsibility of the United Kingdom Parliament and Government." And: "The Scottish Parliament will have an important role in those aspects of European Union business which affect devolved

areas.^{xlv} The Scotland Act confirms this "subsidiary position for the Scottish Parliament in Europe."^{xlvi}

In 1999, a concordat was agreed between Whitehall and the Scottish Executive outlining co-operation and partnership in this section. Up to now, with a Labour-led government in power both in London and in Edinburgh, this seems to have worked, despite criticisms concerning the handling of the Scottish fishing crisis. But the real litmus test would come, if different parties formed governments in Scotland and the UK – a possibility still not very likely after the 1 May 2003 elections in Scotland, but at least thinkable under the shadow of Tony Blair's and George W Bush's war against Iraq.^{xlvii}

Independence in Europe?

The 74 self-governing regions in the EU represent 56.3 % of the EU's population.^{xlviii} As mentioned before, about 75 % of EU policy is delivered at regional or local level. But there is more to it. Regions offer specific development potentials, because they are close to the problems which have to be solved, can muster reserves, resources and active participation.^{xlix} The nation state, Kenichi Ohmae has famously argued, has become "an unnatural, even dysfunctional, unit for organising human activity and managing economic endeavor in a borderless world."^l He might have slightly overstated his case. The role of the nation state is certainly changing. Nation states are, in the phrase of Michael Mann, "diversifying, developing, not dying."^{li} What is indubitable is that regions have grown in importance because of "their greater flexibility and capacity to react rapidly to new economic circumstances."^{lii} Bernd Groß and Peter Schmitt-Egner have summarised the regionalist agenda succinctly:

- historically developed identities and cultural diversity can be preserved and developed;
- political action becomes more comprehensible, transparent, and democratic;
- acceptance of the overarching European level of governance is made easier; a stronger regional consciousness supports the identification with Europe;
- regional economic fine-engineering as a regulative to economic centres can contribute to

a more equal economic development in Europe;

- the so-called "third level", i.e. the regions besides the member states and the EU institutions, guarantees a vertical division of power, thus contributing to a harmonisation of the distribution of power in Europe.^{liii}

If reconnecting citizens with the policy-making institutions of the EU is a priority of the Convention and the next Intergovernmental Conference, then the accommodation of regional aspirations towards gaining their share in the EU's policy-making must not be ignored, otherwise a majority of EU citizens could feel, at least partially, disenfranchised.

There are, basically, three routes or scenarios that this can be achieved by:

- By giving self-governing regions direct access to the decision-making institutions of the EU, either by transforming the Committee of the Regions or by creating a Council of the Regions which would tie in the 'constitutional regions; into the governance of the EU, in an integrated multi-level governance system.
- By giving self-governing regions a share in European policy-making on the member state level, in an EU which, then, would in all likelihood be retaining a greater degree of intergovernmentality, because the regions' participation in policy-making would be largely restricted to the member states' governance.
- By transforming legislative regions into member states of a more or less integrated or intergovernmental EU.

In Scotland's case, these options will be among the factors which will determine whether devolution will turn into a settlement or whether the political roadmap will lead towards independence and the 'break-up of Britain'.^{liv}

Clearly, the European Committee and the majority of the Scottish Parliament are pushing for the first scenario, with the second as a potential fall-back option. The Scottish Executive seems to favour a mix of the first two scenarios, with a preference for the second, arguing that being part of an influential big member state might become even more important for Scotland in view of EU enlargement. At present, so

the argument goes, Scotland enjoys the best of both worlds. It may participate in the formulation of European policies at the UK level, but is also free to increase its foothold in Europe and to forge strategic partnerships in Europe in order to increase its direct influence (as long as these endeavours do not run counter to UK European policies).

It is noteworthy at this point that multi-level governance must mean shared responsibility and full integration between the different levels of governance – supranational, member state, region and local. It is, as Amanda Sloat has pointed out, one of the weaknesses of the multi-level governance discourse that it fails to acknowledge the extent to which member-states' governments will continue to control access to the EU's political theatre, playing a 'gatekeeper' role. Multi-level governance must not confuse influence with participation.^{lv}

While it supports any strengthening of Scotland's profile in Europe, the Scottish National Party's policy aims at an independent Scotland as part of the European Union, and thus clearly pursues route three. Whether this would mean a nineteenth-century-type of nation state, or a state within an integrated, federal EU, is not absolutely clear. There are conflicting tendencies within the party.^{lvi} The majority SNP position is that an election victory of the party would trigger a consultative referendum on 'independence in Europe'. If the referendum were won, this would be seen as a mandate for negotiations with the UK Government. An independent Scotland would then seek a close association with the other parts of the UK and Ireland, but be a 'sovereign' EU member state.

The next few years will be pivotal for Scotland. There is the question of internal reform of the EU and the debate about an EU constitution. If a satisfactory, participative role for self-governing regions in European governance could be found, this would support the devolution side of the argument. If such a scenario were absent, and at the same time a dozen new member states were to join the EU as 'independent' states, most of which are smaller than Scotland, then that would add ammunition to the arsenal of the independence camp.

If constitutional change in the UK progressed, creating regional assemblies in England,^{lvii} that would certainly stabilise devolution and reduce some of the glaring asymmetries in the political geography of the UK. Moreover, if House of Lords reform would create a second chamber with regional representation,^{lviii} a quasi-federal UK could well fit into a quasi-federal European Union.

But if these developments were stalled, and at the same time – as looks likely – the Convention and the IGC took the stance that accommodating regional participation in European policy-making was to happen strictly within the boundaries and constitutions of member states, while at the same time the new EU members planted their flag at Brussels and took their seats in the EU institutions, then the SNP would have a persuasive case to argue, with a view of gaining popular backing for its independence plans in the 2007 Scottish Parliament election.

The Galician Government put it in a nutshell:

"Globalisation obliges the Autonomous Communities to become involved with foreign affairs in order to ensure their own development and to satisfy their particular interests, so that their foreign policy should take into account the greater economic interdependence between countries, the wider scope and greater interconnection of the markets and the increased mobility of production factors."^{lix}

Like the autonomous regions of Spain, Scotland will have to play its role in European and global affairs. In the absence of real perspectives of direct access to the European institutions, the question could be, as Noreen Burrows has put it, less about Scotland in Europe than about 'Scotland in the UK in Europe'.^{lx} Best of both worlds, as the promoters of devolution argue, or double blockage, as the Nationalists contend? Will Scotland have a guaranteed say in the formulation of the UK position in European policy-making? Will there be room at the top in Europe for Scotland as a 'constitutional region'? The answer to these questions will no doubt play a decisive part in determining whether or not the 'Break-up of Britain' is on the cards.

Notes

i Brian Taylor, *Scotland's Parliament: Triumph and Disaster*, Edinburgh: Edinburgh University Press, 2003, pp.267-68.

ii "regional" is not a preferred term in the Scottish political discourse, as Scotland is a nation; yet, in European discourse, 'region' seems to fit the bill for a self-governing, legislative or 'constitutional' sub-state territory.

iii Consultative Steering Group (CSG), *Shaping Scotland's Parliament*, Edinburgh: The Scottish Office, 1998, p.3.

iv See Alice Brown, 'Designing the Scottish Parliament', *Parliamentary Affairs*, 53, 3 (July 2000), p.549.

v A phrase first used by the then First Minister Henry McLeish in September 2001.

vi Ron Davies, *Devolution: A Process Not an Event*, Cardiff: Institute of Welsh Affairs, 1999.

vii Mark Irvine, 'Triumph of consensus, not combat', *New Statesman*, 5 June 2000.

viii CSG, *Shaping Scotland's Parliament*, 1998, p.26.

ix Mike Watson, *Year Zero: An Inside View of the Scottish Parliament*, Edinburgh: Polygon, 2001, p.165.

x Fewer than initially anticipated, but financial constraints apparently did not allow for a greater spread of sessions across the country. Yet, the committees made good use of video conferencing to link up to even the remotest parts of Scotland.

xi Scottish Parliament European Committee, 5th Report 2002: *An Inquiry into Scotland's Representation in the European Union*, 21 November 2002, p.13.

xii Under the convenership of Irene Oldfather MSP (Labour), it has the following 8 members: Sarah Boyack (Lab), Colin Campbell (SNP), Dennis Canavan (Ind), Helen Eadie (Lab), John Home Robertson (Deputy Convener, Lab), Lloyd Quinan (SNP), Nora Radcliffe (Lib Dem) and Ben Wallace (Con, plus two substitute members: Winnie Ewing (SNP) and Tavish Scott (Lib Dem).

xiii Among them, the Scottish Council for Development and Industry (SCDI), Scotland Europa, the Council of Scottish Local Authorities (CoSLA),

and the Scottish Executive's European Union Office.

xiv Scottish Parliament European Committee, 5th Report 2002, p.12.

xv *Ibid.*, p.18. Time-tabling of EMILE was changed in 2002 to coincide with the start of EU presidencies.

xvi Apart from the Scottish Parliament (as observer), the National Assembly for Wales and the Northern Ireland Assembly, the parliaments of the Spanish autonomous communities, the Italian regional councils, the assemblies of the Belgian regions and communities, the parliaments of the Austrian Länder and of the German Länder, the autonomous parliament of Åland (Finland) and the regional assemblies of the Azores and Madeira (Portugal).

xvii The range of the present 222 members reaches from 18 mill-strong Northrhine-Westphalia to the smallest of Greek local councils – the 74 self-governing regions are far outnumbered by local authorities.

xviii Scottish Parliament European Committee, 9th Report 2001: *Report on the Governance of the European Union and the Future of Europe: What Role for Scotland?* Volume 1 - Main Report, 11 Dec 2001.

xix *Ibid.*, p.28.

xx See Peter Lynch, *Scottish Government and Politics*, Edinburgh: Edinburgh University Press, 2001, pp.159-61.

xxi Jack McConnell, 'Tide turns for Europe', *Scotland on Sunday*, 3 December 2000.

xxii www.scotland.gov.uk/pages/news/2002/11/p_SEJD141.aspx

xxiii www.scotland.gov.uk/pages/news/weekly/000255.aspx

xxiv www.scotland.gov.uk/pages/news/2003/02/SEet272.aspx

xxv Scottish Parliament European Committee, 5th Report, p.7.

xxvi *Ibid.*, p.19.

xxvii The Convention comprises representatives from each of the national governments and parliaments, the European Commission, the European Parliament, the 13 candidate countries, and from non-governmental organisations and

academia. Former French President Valéry Giscard d'Estaing is the chairman, flanked by two former prime ministers – Giuliano Amato of Italy and Belgium's Jean-Luc Dehaene – as his deputies.

xxviii www.scotland.gov.uk/about/FCSD/ExtRel1/00014768/page1239857280.aspx

xxix www.scotland.gov.uk/pages/news/2003/01/p_SEjd200a.aspx

xxx Names mentioned are 'Congress of European Regions', 'Convention of European Regions', or 'European Assembly of Regions'. Scottish Parliament European Committee Briefing Paper, 'Executive Response to the Committee's Future of Europe Report, 19 February 2003, p.7.

xxxi *Ibid.*, p.4.

xxxii Scottish Parliament European Committee, Convener's Report: Annex A 'Meeting with Rt. Hon Peter Hain MP', 20 February 2002, p.2.

xxxiii Scottish Parliament European Committee, 6th Report, p.10.

xxxiv *Ibid.*, p.11.

xxxv *Ibid.*, pp.11-12.

xxxvi Scottish Parliament European Committee Briefing Paper, 'Executive Response to the Committee's Future of Europe Report, 19 February 2003, p.3.

xxxvii Stephen Castle, "'We, the people of Europe...': The document that will shape our futures", *The Independent*, 7 February 2003.

xxxviii Joschka Fischer, 'From Confederacy to Federation: Thoughts on the finality of European integration', Speech by Joschka Fischer at the Humboldt University in Berlin, 12 May 2000, www.europa-digital.de/aktuell/dossier/reden/fischer.shtml

xxxix Jacques Chirac, 'Notre Europe', www.elysee.fr/cgi-bin/auracom/aurweb/search/file?aur_file=discours/2000/RFA0006D.html

xl Tony Blair's Warsaw speech 'A superpower, but not a superstate', see *The Guardian*, 7 October 2000. Full text: www.scotlandeuropa.com/DOWNLOAD/SPEECH%20PM.doc

xli See Alfred Geisel, 'The Future of Europe: Federalism – Regionalism – Centralism', in Eberhard Bort and Neil Evans (eds), *Networking Europe: Essays on Regionalism and Social Democracy*, Liverpool:

Liverpool University Press, 2000, pp.39-52.

xlii See Roland Sturm, *Föderalismus in Deutschland*, Berlin: Landeszentrale für politische Bildungsarbeit, 2001, pp.117-37.

xliii Constitutional Convention, *Towards Scotland's Parliament*, Edinburgh, November 1990.

xliv Constitutional Convention, *Scotland's Parliament, Scotland's Right*, Edinburgh: Constitutional Convention, November 1995, p.16.

xlv UK Government White Paper, *Scotland's Parliament*, The Scottish Office, July 1997.

xlvi Brian Taylor, *Scotland's Parliament*, p.272.

xlvii See Iain Macwhirter, 'War schemes could leave Scottish Labour the loser', *The Herald*, 26 February 2003; also Jason Allardyce and Murdo MacLeod, "'Don't mention the War'", *Scotland on Sunday*, 23 February 2003.

xlviii 'The Role of Regions with legislative power in the EU', Contribution from Mr Kimmo Kiljunen MP (Finland) and 14 other signatories for the European Convention, 4 and 7 October 2002, CONV 321/02 Annex, p.2.

xlix Bernd Groß and Peter Schmitt-Egner, *Europas kooperierende Regionen: Rahmenbedingungen und Praxis transnationaler Zusammenarbeit deutscher Grenzregionen in Europa*, Baden-Baden: Nomos, 1994, pp.19-20.

i Kenichi Ohmae, 'The Rise of the Region State', in *Foreign Affairs*, 72, 2 (1993), pp.78-87; p.78.

ii Michael Mann, 'Nation-States in Europe and other Continents: Diversifying, Developing, not Dying', in *Daedalus*, 122, 3 (1993), pp.115-40.

iii James Scott, Alan Sweedler, Paul Ganster and Wolf-Dieter Eberwein, 'Dynamics of Transboundary Interaction in Comparative Perspective', in James Scott et al (eds), *Borders and Border Regions in Europe and North America*, San Diego: San Diego State University Press, 1997, pp.3-23; p.5.

iiii Groß and Schmitt-Egner, p.27.

lv See Tom Nairn's seminal *The Break-up of Britain*, London: New Left Books, 1977.

lv See Amanda Sloat, *Scotland in Europe*, Frankfurt: Peter Lang, 2002, especially Ch.2.

lvi See Jo Eric Murkens with Peter Jones and Michael Keating, *Scottish Independence: A Practical*

Guide, Edinburgh: Edinburgh University Press, 2002, pp.1-3.

lvii The first regional assemblies are expected to be elected perhaps as early as 2005 or 2006, but not all regions in England favour self-government. See John Tomaney and Peter Hetherington, 'England Arisen?', in Robert Hazell (ed.), *The State of the Nations 2003: The*

Third Year of Devolution in the United Kingdom, Exeter: imprint Academic, 2003, pp.49-77.

lviii Re-introduced by Jack Cunningham MP into a debate dominated by the dispute concerning the ratio between elected and nominated members in a reformed House of Lords. See Ben Russell, 'Plan for regions to elect upper house',