

Scotland in the European Union: Expectations of the Scottish Parliament's Architects, Builders, and Tenants

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Architects, Builders, and Tenants**

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The author will receive her PhD in Politics from the University of Edinburgh this July. Her thesis, upon which this article is based, is titled: "Scotland's Role in the European Union: Expectations among Political Elites about Multi-Level Governance - An Actor-Centred Approach." The author recently completed a stage in the European Commission, where she worked in the Secretariat General on the forthcoming "White Paper on European Governance." She can be contacted at A_Sloat@hotmail.com

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The Scottish Parliament, which was established by legislation in November 1998 and held its first meeting in May 1999, was not created within a political vacuum. Rather, it was established at the end of a century of great change in Europe and within the ad hoc constitutional tradition of the United Kingdom (UK). This wider political context shapes Scotland's relationships with the UK and European Community (EC), which are particularly important as European affairs remain a 'reserved' area although over half the parliament's workload is estimated to originate in the EC. The 129 member legislature has authority over most domestic policies, in addition to responsibility for implementing European directives in devolved areas. However, the need to work within a system of multi-level governance constrains the ability of the parliament and executive to act autonomously as some of the legislative agenda is shaped by London and decided in Brussels. This article assesses Scotland's role in Europe, focusing on the challenges of multi-level policy-making and the quest for better governance.

Many political observers are beginning to assess the parliament's strengths and weaknesses after nearly two years of existence. This article draws on research conducted during the six months preceding the parliament's establishment, presenting an overview of initial expectations that can provide a comparative reference for future studies. It takes a unique approach by analysing the distinct views of three categories of political elites - members of civil society, officials, and politicians. Two main questions will be addressed by splitting the concept of multi-level governance into its constituent parts. First, while Scotland was included in EC discussions as part of the UK as a whole, this study examines the extent to which elites believed its politicians and officials participated in the creation of the UK negotiating line and its interests were represented in Brussels by the UK government. It then considers whether the

establishment of a Scottish Parliament will make an identifiable difference in these areas, focusing on perceptions of the Executive's ability to sway policy outcomes through domestic and European channels.

Second, the study evaluates how elites understand the operation of governance under new constitutional arrangements. Governance, which has become a political buzzword in recent years and is the subject of a forthcoming White Paper by the European Commission, focuses on the shift in the state's role from being the primary provider of policy to facilitating interaction among various interests. During the years preceding devolution, many elites in Scotland hoped the new parliament would rectify the archaic and secretive practices of Westminster by including civic interests in a more holistic approach to policy-making. The study considers the extent to which elites share this perceived consensus about new forms of governance.

This article is divided into five parts. It begins by introducing the typology of actors used to assess elite views. The article then describes how elites expect the Scottish Parliament and Executive to affect EC policy-making at a domestic level, before turning to their views about Scotland's likely relationship with EC institutions. Next, it explores elites' understanding of governance and explains how their domestic conception of this approach to policy-making could be utilised at the European level. Finally, the article draws conclusions from these research findings.

Actor Typology

This study of Scotland's role in Europe is based on qualitative research. It centres on 60 interviews conducted between November 1998 (following the publication of the Scotland Act) and May 1999 (preceding the first election). Consideration of this historical timeframe has the advantage of ensuring that opinions are based on documents detailing the parliament's structure and are not biased by its partisan composition. The first-hand accounts of elites are supplemented by content analysis of government and civic publications, while the researcher also observed elites in action at over 60 conferences and events.

While this study assesses *what* elites believe about Scotland's role in Europe, it also aims to understand *why* they hold certain views. To obtain this more nuanced perspective, the study uses an actor-centred approach that focuses on the key role

played by individuals - rather than institutions - in the legislative process. It draws from the academic literature on Multi-Level Governance (e.g., Hooghe 1995, Marks et al 1996), which suggests that elites' expectations are affected by the political level at which they work. It also utilises the ideas of New Institutionalism (e.g., Bulmer 1994, Lowndes 1996), which asserts that the behaviour of political elites is shaped by institutional norms. However, the study argues that the extent of an actor's engagement with the devolution process appears to override these other factors.

It tests this hypothesis by examining the views of three groups of actors who are involved in the legislative process, namely, members of Scottish civil society, officials, and politicians. Within each typology, opinions are assessed according to the political level - Edinburgh, London, Brussels - of an actor's employment. The typologies also include elites with varying degrees of involvement in the parliament's establishment, enabling consideration of how proximity to the devolution process affects the expectations of actors within and between categories. While this article will highlight numerous areas of agreement between the typologies, it will suggest that some differences may stem from varying involvement in the process of constitutional change. The remainder of this section will describe the three actor typologies, which are summarised in Table 1.

The first category includes members of Scottish civil society, who can be viewed as the parliament's *architects*. Several campaigned for devolution, participated in the Constitutional Convention, and 'represented' civic Scotland in the absence of a legislature (e.g., Church of Scotland, Scottish Council of Voluntary Organisations, Scottish Trades Union Congress). Other key players include Scotland's European representatives in the Convention of Scottish Local Authorities (COSLA) and Scotland Europa. The collaborative efforts of many elites in the Constitutional Convention and the Consultative Steering Group (CSG) - civic and cross-party groups that devised working procedures for the new legislature - provided terms of reference for devolution discussions, while many of their proposals were incorporated into the parliament's final design. Their views are contrasted with those of civic members who were less involved in the parliament's establishment but are affected by its operation (e.g., Scottish industries, umbrella business organisations, academics). Architects may have the hardest time post-devolution, as their designs may be altered

and as the new legislature changes their role from ‘spokespersons of’ to ‘contributors toward’.

Next, the *builders* represent officials in the Scottish Office and some Whitehall departments (this study focused on the Cabinet and Foreign Offices). Their main task was to combine the architects’ plans (CSG report 1998) with government legislation (Scotland Act 1998) to devise a devolution settlement that was an operational success and preserved the unity of the United Kingdom. They focused primarily on the promotion of the government line and the creation of a workable method of policy-making. Their work is recorded primarily in the concordats (Scottish Executive 1999), non-legally binding agreements between the executives that cover aspects of policy-making (including European issues) and dispute resolution. Their role as political ‘insiders’ gives them more knowledge than other groups about the intricacies of devolution, while their neutrality as civil servants enables them to assess the operation of pre-devolution procedures and make predictions about the anticipated strengths and weaknesses of the new settlement. The majority of those who helped design the new structures are now involved in the parliament’s early operation, providing continuity in the early days and retaining vital links between officials north and south of the border. This category also includes officials in EC institutions who articulate views about Europe’s newest parliament; although they are removed from the process of its establishment, they work with its officials and provide a ‘European’ perspective.

Finally, the parliament’s *tenants* are the first group of politicians to inhabit the structure crafted by the architects and builders. They bring their own expectations about their new home, particularly as some were architects involved with the Convention while others inhabited houses of a different construction in Westminster or local government. This first group will determine the development of working practices in the parliament, which may lead to some solidifying of institutional norms. Their main tasks include representing their constituents and making policy for Scotland, which will be documented in legislation, speeches, and media reports. Political hopefuls for the European Parliament and Westminster also fall within this category, as their respective levels of government will interact with the Scottish Parliament. Their inclusion enables consideration of whether politicians in Scotland

have different aspirations for the parliament than their counterparts in Strasbourg and London.

Table 1: Actor Typologies

	ARCHITECTS	BUILDERS	TENANTS
Members	Civil society	Officials	Politicians
Task	Devolution Procedures	Operational success	Policy-making Representation
Record	Convention CSG	Scotland Act Concordats	Legislation Speeches
Current Role	Monitor Lobby	Policy Execution	Policy-Making Representation
Future	Lose rep. role ? evaluation	Changeable	Changeable

Table 1 presents a synthesis of these actor typologies. Because many political elites in Scotland wear multiple hats, it is difficult to place them within a single category. For example, several Labour and Liberal Democrat politicians were members of the Constitutional Convention; thus, some architects became tenants while others now lack direct involvement. Relationships also developed between individuals in various categories before the establishment of the parliament, and are likely to evolve during the political process. These blurred boundaries are represented in the table by an absence of vertical lines separating the categories. The lack of a neat or orderly system of categorisation highlights the importance of an actor-centred approach that considers the numerous factors shaping elites' expectations. The remainder of this article, which presents actors' views about Scotland's European role, will highlight the overlap between and differences within these actor typologies.

Scotland's European Influence: Domestic

This study found that most elites in all categories believed Scotland's European involvement would have predominantly domestic effects. They did not expect the parliament or executive to exert significant influence on UK or EC policy *outcomes*, and some even questioned whether domestic legislation would differ from that produced by the old Scottish Office. Instead, most focused on the potential for a more participative and transparent policy-making *process*. Despite widespread agreement among elites, varying attitudes toward constitutional change between actor categories caused some divergent opinions of Scotland's European role. Further differences between the views of individual elites resulted from their proximity to the devolution process, creating contrary opinions within categories and shared aspirations across them. This section will compare their views of domestic channels of influence, while the following section will assess their expectations about European channels.

Difference in Representation The study began by considering whether elites believed that Scotland was adequately involved pre-devolution in the UK's formation of EC negotiating lines. Most elites in all categories said Scotland was represented as part of the UK as a whole, although they disagreed strongly about the UK government's handling of distinct Scottish interests such as agriculture and fisheries. It remains unclear whether this dispute stemmed from frustration with the policy stances of the Conservative government (1979-97) or a flaw in the mechanisms used to create the UK position; however, the former seems more likely given the satisfaction expressed by some (particularly non-political) actors.

Evaluation of Scotland's pre-devolution involvement differed according to elites' proximity to the legislative process, as many cited the dominant role of the civil service and explained that the lack of transparency hindered accurate assessment. There appeared to be a correlation between actors' inside knowledge of the political process and their conclusions about its effectiveness. Most architects, some European builders, and tenants from 'opposition' parties had little personal experience of government procedures and believed Scotland was badly represented. In contrast, architects with European experience (representatives of Scottish industries, COSLA, Scotland Europa), UK builders, and tenants whose parties had recently served in government reported adequate Scottish involvement.

When asked what difference the devolution settlement would make to Scotland's domestic role in EC policy-making, most elites across the actor typologies emphasised its handling of domestic affairs and ability to implement EC directives in devolved areas. Although the Scottish Office occasionally implemented differently from England in the past, UK builders thought this would increase post-devolution as the existence of a domestic legislature enables more time for thorough consideration. Architects expected the parliament to become a focus for interests, involving civic actors in pre-legislative scrutiny and consultation.

But despite hopes for a new style of policy-making, the majority of elites in all categories expected the internal machinery to remain the same as most negotiations between the Scottish and UK governments will continue through existing civil service channels. On one hand, devolution may *change* the legislative process in Scotland by making it more transparent and accountable; this reflects the expectation that the parliament will 'democratise the Scottish Office'. On the other hand, elites anticipated *continuity* through the work of a unified civil service; this raises questions about the effectiveness of the parliament's new operating practices and may lead to calls for civil service reform.

Most elites in all categories expected devolution to make Scotland's views known more widely at home and abroad. In the UK, the parliament provides another tool for Scotland to lobby Westminster; in Europe, it confers democratic authority on the assertion of Scottish interests. Such visibility introduces greater accountability into the policy-making system, enabling the Scottish electorate and other European states to judge whether the UK government has incorporated Scottish views. It also gives Scotland a higher profile and - as one interviewee described it - 'a bigger drum.'

However, it is questionable whether Scotland will actually win more battles as transparency does not necessarily equal increased political persuasiveness. Indeed, concern about *decreased* representation was expressed by those elites in all categories who remained sceptical about the devolution settlement. Both Conservative and SNP tenants predicted less interaction between Scottish and Whitehall departments, suggesting Scotland will lose Cabinet links and have a weaker (or eventually no) Secretary of State. SNP candidates were particularly concerned that the devolution settlement is premised upon Labour administrations in London and Edinburgh, and

questioned the ability of an SNP administration to participate actively in the European legislative process. Several architects also predicted a decline in the level of Scottish representation in UK legislative activities, suggesting that officials could lose information through civil service channels, ministers may be marginalised as decisions are taken in London, tensions between the executives could hamper Scottish involvement, and formerly Scottish-run issues such as forestry will be handled by UK ministers. There were also conflicting concerns that Scotland may become too insular in an attempt to solve all problems itself or too independent by repeatedly bypassing Westminster.

Difference in Policy The study then considered whether distinct Scottish representation in UK and European negotiations is necessary, seeking to determine if Scotland's policy objectives differ substantially from England's. There was unanimous agreement among all actors about Scotland's European priorities, as they emphasised policies that are devolved or where Scotland has a statistically disproportionate interest or approach to the sector. In particular, they cited agriculture, fishing, and structural funds. Elites conceded that these areas do not differ from English priorities in *substance*; rather, Scottish preferences vary in *emphasis* on particular aspects of policy due to distinct history, geography, and institutions. While elites did not expect the Scottish Executive to promote a radically different stance on EC policies from England, they believed it could accommodate more subtle needs by implementing directives, lobbying Whitehall, and promoting views to other regions and Commission officials.

Domestic Channels Despite a mixed appraisal of the UK's past representation of Scottish interests in Europe, nearly all elites stressed the continued importance of domestic negotiations after the parliament's establishment. They cited officials as the most effective pre- and post-devolution channel for relaying Scottish views to Whitehall, as the UK civil service remains unified and ministers become involved only when problems arise. UK builders, who have the greatest knowledge of past and present procedures, did not expect devolution to affect Scotland's level of representation or input into UK deliberations; they said Scottish officials already participate in areas of interest and this process will simply be formalised. However, elites coupled their recognition of continuity with an emphasis on likely change.

Unlike the internal handling of disputes during ‘administrative devolution’, many elites expected the parliament to publicise the existence of different opinions from England. While time will demonstrate the effect of this added publicity, the *realpolitik* of media and political pressure may force Westminster to acknowledge Scottish views.

Elites also stressed the importance of co-operation between politicians on different political tiers. UK builders were the most effusive about such connections. Some architects and tenants (particularly MEP hopefuls) envisioned a greater role for MEPs, who can provide an early warning about forthcoming legislation, information about other states’ position, and a Scottish voice in the European Parliament. These actors said MPs can focus on reserved matters, pressure the government, and ask parliamentary questions. Although uncertain about relations between the parliaments and their committees, they highlighted partisan links and personal connections (e.g., Scottish chairman of the Commons’ European Committee).

UK Constraint Although elites emphasised domestic co-operation, the study questioned whether they expected the UK government to restrain Scotland’s autonomy. This was tested by evaluating views of the Executive’s ability to take positions on reserved issues (which include Europe), the likely limits of concordats, and the effectiveness of the ‘Westminster Bypass’. Most elites in all categories agreed that Scotland could pursue its own agenda with relatively little UK interference; however, actors within and between categories presented nuanced views on the effectiveness of these mechanisms.

When asked about the likelihood of parliamentary debates on reserved policies, the majority of elites said the new legislature would want to consider all relevant issues but warned about the need to prioritise devolved areas. UK builders at all levels were relaxed about such debates, agreeing that reserved issues may affect devolved ones and that the UK cannot prevent discussions. Tenants’ views appeared to be premised on their opinions of the devolution settlement: Conservatives were the most hesitant and feared that autonomous action could damage the union, while SNP candidates supported such debates and hoped the parliament would acquire more powers. Similarly, architects with vested policy interests expected the parliament to take a view and lobby Westminster. However, this is an inadequate measure of the

parliament's autonomy as it remains unclear what effect - if any - Scotland's stance will have on the UK position.

A more effective test is elite predictions about the potential restrictiveness of the concordats. The regulation of several channels of participation by these informal agreements confirmed the belief of some architects and tenants that builders would exercise substantial control over the legislative process. Consequently, attitudes about their effectiveness differed by category. Some architects expressed the optimistic view that these guidelines would guarantee increased Scottish participation. In contrast, most tenants - with the exception of the Conservatives - suspected they would restrict Scottish involvement. UK builders, who spoke with inside knowledge, agreed that the concordats were not legally binding and could be amended. However, their responses illustrated slightly divergent views of devolution: Whitehall officials repeated the need for a unified UK line, while Scottish Office officials expected their southern colleagues to have difficulty relinquishing their legislative dominance. When the concordats were published, they confirmed builders' predictions that procedures would simply become more formalised; however, they were ambiguous about the extent of Scottish participation. Although it seems unlikely that the policy-making system will differ significantly in the short-term as many officials who drafted the concordats work together under pre-devolution procedures, it is too early to judge whether the concordats will restrict Scottish activity, survive partisan differences, or allow innovative procedures.

Finally, the study considered whether the Scottish Executive could 'bypass' Westminster to promote its views directly in Brussels. Most elites in all categories agreed that Scotland could pursue autonomous action, but added that it would be more effective with the UK government on its side. They recognised the domestic repercussions of opposing the UK, which may not support Scotland on future issues. Most concluded that co-operation is more effective than opposition: although the Executive *could* approach the EC autonomously, elites questioned whether and when it *should*. Within this consensus, several actors in each category held stronger views that reflect variable attitudes toward the devolution settlement. For example, some builders (Whitehall officials) and tenants (Conservative politicians) were fearful about the implications of autonomous Scottish action for the union. In contrast, other elites -

particularly those with government experience - admitted that the 'Westminster Bypass' occurs already. The extent of their support further differed within and between categories. Several tenants (SNP and Labour candidates) said the strategy should be used if the UK government fails to incorporate Scottish views on important policies. Other architects (COSLA officials) and builders (Scottish Office officials) said Scotland could highlight distinct needs (e.g., sheep farming) or promote issues that are supported but not prioritised by the UK (e.g., Gaelic language). However, all proponents called for a cautious usage of the strategy on a case-by-case basis.

Scotland's European Influence: Brussels

Having considered elites' expectations about the domestic effect of the Scottish Parliament and Executive, this article will now consider research findings about Scotland's anticipated role in EC institutions. In particular, the study considered expectations about the function of the Executive's European office, the likelihood of Scottish participation in the Council of Ministers, the importance of links with the Commission, and the effectiveness of the Committee of the Regions. Few elites expected these channels to enable the Scottish Executive to exert more *influence* on EC legislative outcomes than the Scottish Office did, although those with Brussels experience were more optimistic about their utility as outlets for Scottish opinions. Instead, most elites believed devolution would alter the nature of Scottish *participation*: the parliament will create a higher profile for Scotland, while the executive can speak with democratic authority in the EC policy arena and liaise with sub-national authorities of similar political status.

Scottish Executive's European Office The main 'non-institutionalised' channel used by sub-national authorities to promote views in Brussels is a regional information office. Before devolution Scotland was represented by Scotland Europa, a subsidiary of Scottish Enterprise and membership organisation that waved the Scottish flag in Brussels and provided a presence in the absence of parliamentary representation. Most elites praised the office for creating a profile, building networks, and providing a platform for lobbyists. Elites in all categories supported the creation of the Scottish Executive's European Office, which is now co-located with Scotland Europa under the umbrella of Scotland House. Elites believed this new office would monitor EC

policy developments and provide Scottish information to the Commission. They did not expect it to exert greater influence than Scotland Europa, but thought it would raise Scotland's profile, co-ordinate activity among political actors, and enable more active participation in networks of regions with similar legislative powers.

Furthermore, there was a correlation between actors' proximity to the devolution process and their enthusiasm about the operation of the Executive office. Some architects (particularly businessmen and outside observers) described the office as an 'embassy', while those directly involved in its establishment (officials in COSLA and Scotland Europa) voiced more measured expectations. Most tenants had realistic views, especially in comparison to the optimism of their party manifestos throughout the 1990s. Those campaigning for the Scottish and European Parliaments placed particular emphasis on the symbolism of an office and the importance of networking. Builders in the Foreign Office were more suspicious about the office's location and role than were their Scottish colleagues in Edinburgh and Brussels.

The study measured the potential autonomy of the Executive office by considering the prospect of conflict with UKRep, and uncovered divergent opinions between actor categories. The majority of architects and tenants expected the offices to co-operate and have few problems. Those with proximity to the EC policy-making process (COSLA and Scotland Europa officials) were even more hopeful; they recalled healthy relations between UKRep and Scotland Europa, and predicted that strain would only be part of a larger domestic dispute or driven by partisan differences. However, Scottish and English builders presented slightly divergent views. Scottish Office officials in Edinburgh predicted little conflict, citing the need for co-operation and expecting most disputes to be handled domestically. Their Brussels-based counterparts were more assertive, expressing a willingness to fight for Scottish interests while acknowledging the possibility of subsequent tension and domestic repercussions. In contrast, Foreign Office officials warned against independent action and voiced concern about the location of the Executive's office outwith UKRep.

Council of Ministers The main mechanism with which central governments can constrain sub-national authorities is the Council of Ministers, whose construction makes it dominated by member states. Scottish Constitutional Convention documents (1990, 1995) and party manifestos produced throughout the 1990s emphasised the

importance of Scottish participation in Council meetings; however, most architects and tenants admitted this would be limited and dependent upon good relations between the Executives. They hoped Scottish ministers would continue pre-devolution practices of attending Council meetings in areas of disproportionate interest. They also expected them to speak occasionally, although only on behalf of the UK as a whole and according to a pre-arranged stance.

There was some disagreement among and between elites about the ability of Scottish ministers to lead a UK delegation, seemingly based on actors' proximity to the devolution process and attitudes toward constitutional change. London-based builders were adamant that UK ministers alone will lead and decide whether to include their Scottish counterparts, while their Scottish colleagues admitted that Scottish ministers were unlikely to lead but could lead in areas of exclusive competence. A few architects with little government knowledge, primarily businessmen, expected Scottish ministers to lead in areas of distinct interest; in contrast, academics said this was legally impossible. Tenants also held opposing views: SNP politicians said Scots could lead but questioned its occurrence, while Conservative politicians emphasised the domestic and European repercussions of such action.

The significance of sitting at the big table must be kept in perspective. In particular, European builders were sceptical about the significance of Scottish ministers appearing at Council meetings. They said the practice is more symbolic domestically, and explained that many decisions are taken elsewhere (e.g., domestic negotiations, EC working groups). Despite the growing role of sub-national authorities, therefore, the majority of elites in all categories recognised that the EU operates according to a state-based structure and is unlikely to institutionalise regional participation in the near future. Consequently, most elites in all categories (with the exception of SNP supporters) stressed the importance of domestic negotiations and the increased clout of having the UK - a large and powerful member state - on Scotland's side.

Commission Given the attention attracted by the Council, Scotland's elites - as well as their civic, political, and government documents - were relatively quiet about the role of the Commission in the EC legislative process. There was a correlation

between their views and personal experience of the institution. Many architects and tenants failed to recognise its potential: some businessmen and members of Scottish industries questioned whether the Commission would respond to one of many sub-national governments, while several politicians emphasised Scottish participation in the more visible but less easily influenced Council. In contrast, those architects (Scotland Europa, COSLA) and builders (EC officials) with Brussels experience cited its accessibility to sub-national authorities with special concerns. They also stressed the need for Scotland to replicate its strong domestic links in the European policy arena and develop a partnership approach across all levels of government.

Committee of the Regions The most accessible 'institutionalised' channel for sub-national authorities is the Committee of the Regions. There was again a link between elites' views and their personal experiences of this institution. The majority of actors in all categories cited a lack of knowledge and assumed the institution was ineffective. They were doubtful of its ability to enable Scottish politicians to sway policy discussions and criticised its limited authority. They also faulted its diverse membership and tendency to express opinions on numerous subjects. In contrast, architects (COSLA officials) and tenants (a former Labour member) with direct knowledge of the institution presented more favourable assessments, praising its representation of local government and regional interests.

Governance

Because Scotland's political elites placed greater emphasis on the domestic - rather than European - effect of the Scottish Parliament on EC policy-making, it is necessary to consider more carefully how they expect the devolved government to operate. Through frequent interaction over the past decade, many elites developed shared ideas about governance that are based on the ideals of transparency and democratic accountability. For example, the CSG report established guiding principles of power-sharing, accessibility, responsiveness, and equal opportunities. Similarly, COSLA called for the parliament to "develop a distinctively Scottish approach to public policy by engaging in the policy process a wide range of stakeholders who are directly involved in the implementation of policy" (1998, 1). However, this study found that while many elites may think they share a similar vision of policy-making, their divergent views are reflected in the different words they use to

describe its practical details. This discrepancy could cause problems in the future, particularly as some elites desire a more radical construction than others.

Similarities and differences between actors' understandings of governance are illustrated by their perceptions of the parliament's European Committee. The study began by assessing support for its CSG-proposed holistic structure, which is a potential tool for fostering new forms of governance. There was nearly unanimous support among actors in all categories for the 'mainstreaming' of European affairs into the parliament's work. Most agreed that the European Committee should include MSPs from other subject committees, and that it should pass single issue legislation, such as agriculture, to those committees. They were pragmatic about the pervasive effect of European issues on the domestic agenda, and agreed that a cross-cutting approach was the most efficient way of managing directives.

In terms of function, nearly all respondents believed the committee would scrutinise and filter EC legislation. However, actors' emphasis on the committee's additional tasks seemed to derive from their own organisations' needs. For example, only architects expected the committee to play a significant role in implementation. As a result, they wanted to be involved in discussions about the most appropriate methods. Builders stressed the logistical process of handling legislation, citing the need to filter documents and liaise with officials and politicians at other government levels. Many tenants anticipated that the European Committee would pass topical issues to other committees, which could consult civic interests as required; the committee could then focus its attention on macro issues, which are arguably more interesting and politically salient.

There were similar divisions of opinion when elites were asked about the inclusion of non-MSPs on the European Committee. Despite some disagreement within categories, it is here that the varying expectations of the actor typologies about the operation of governance are most striking. These divergent understandings of governance are summarised in Table 2.

Table 2: Understanding of Governance

ARCHITECTS	BUILDERS	TENANTS
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Defining Principle	Participation	Co-Operation	Partnership
Defining Relation	Civic-Politician	Official-Official, Politician-Politician	Politician-Civic
Defining Process	Involvement	Liaison	Consultation

The parliament's architects, some of whom participated in the Constitutional Convention and worked for organisations that 'spoke' for Scotland in the absence of a legislature, understood governance as civic *participation* in policy-making. Based on this guiding principle, all civic interviewees desired direct involvement with politicians in the legislative process. However, there were conflicting demands among architects as perceptions of this defining process ranged from giving evidence (consultation) to joining parliamentary committees (direct participation). These preferences related primarily to the nature of an elite's institution: members of civic organisations saw involvement as symbolic and desirable in itself; those affected by legislation, such as the COSLA and the National Farmers Union - Scotland, desired an inside voice in policy-making; and businessmen, whose industries were more affected by reserved areas, wished to be consulted but placed less emphasis on extensive involvement.

The other two categories articulated slightly different conceptions of governance. The parliament's builders were more concerned about Scotland's task of producing quality legislation within a UK structure than with incorporating civil society more closely into that process. Although officials supported a holistic approach to policy-making, many were cynical about the civic desire for a more participative democracy and questioned proposed consultation mechanisms. Their definition of governance focused on *co-operation*, especially among Scotland's three tiers of politicians and officials. They made few references to a legislative role for civil society, preferring that civic organisations promote rather than shape policies. Builders emphasised liaison as the defining process of interaction: they expected guidance from the concordats, cited goodwill between civil servants, and stressed the importance of information exchange among politicians.

Finally, the parliament's tenants employed the rhetoric of governance most frequently. Focusing less on structures and links with other politicians, they articulated the civic desire for 'joined-up' government and collaboration with policy users. They defined governance as *partnership*, an understanding that was particularly evident in the manifestos of all four parties, and emphasised defining relations with 'the people' and civic organisations. Although tenants shared the architects' hope for greater interaction, it remains unclear what their support means in practice. Many tenants described the defining process of governance as 'consultation', rather than the more extensive 'involvement' desired by some members of civil society. In particular, there was debate between parties with varying degrees of government experience: 'opposition' parties (SNP, Liberal Democrats) held 'people's assemblies' to ascertain the public view and their members expressed tentative approval of the inclusion of non-MSPs on committees, while candidates from parties with recent government experience (Labour, Conservatives) were more reluctant about radical mechanisms and cited their role as elected representatives.

The most contentious issue in discussions about new forms of governance concerns the nature and extent of civic involvement. Expectations were the closest between architects and tenants, partially due to co-operation in the Constitutional Convention and CSG, some overlapping membership between categories, and a similar understanding of the electorate's needs. Builders' scepticism may present the most serious obstacle to reform, particularly as most elites expected officials to retain significant control over the internal policy-making process. However, the difficulty of reaching an acceptable compromise could be compounded by tension within - as well as between - actor categories. Indeed, the preceding discussion illustrated how architects and tenants disagreed amongst themselves about the desired role for civil society.

Another aspect of the 'Scottish' conception of governance is the prevalence of informal contacts within a small elite. The same faces appeared repeatedly at conferences, usually making similar comments at various meetings. These individuals know each other well, often having attended university together, worked together, or served on a committee together. This close contact enabled the development of a common language, shared goals, and civic trust. It is also likely to account for the

high degree of consensus among actors about the parliament's anticipated operation and effect on policy-making, as evidenced by interviewees' tendency to reference CSG proposals.

These relationships may be beneficial to the creation of new forms of governance, as actors are comfortable working together and have broadly similar aims. Indeed, those with work experience in Brussels emphasised the importance of links in a contact-based policy-making environment. However, the dominance of key individuals also raises concerns about the potential exclusivity of Scotland's political elite. 'Outsiders' may struggle to find a niche, and there is a danger of (perhaps unintentional) clientelism as people utilise connections to obtain a political voice. The challenge in Scotland is, therefore, devising a system that retains the benefits of close interpersonal contacts while remaining open to interested participants - including those who were not previously involved.

There is also growing awareness among elites about the importance of governance within the UK, particularly in terms of relations between and among builders and tenants. Most elites in all categories supported interaction between Scottish politicians at three tiers of government, particularly to exchange information and exert influence on multiple levels. There was widespread recognition that such co-operation has been lacking in the past, as many called for more cordial relations between MEPs and MSPs than has been experienced previously with MPs. Scottish builders emphasised the need for liaison; in particular, they highlighted links between committee conveners, the ability of MPs to participate in debates and ask questions, and the role of the Secretary of State. Also, the majority of elites in all categories acknowledged the dominant role of officials in pre-devolution negotiations between Scotland and the UK. Expecting this practice to continue, they called for the preservation of good working relationships north and south of the border.

At present, the 'Scottish' view of governance remains a primarily domestic concept that has yet to incorporate fully the European dimension. Although interview questions concentrated on Scotland's role in Europe, many respondents focused on domestic structures and outcomes. When issues of governance were viewed on a European level, they evoked a pragmatic recognition from nearly all actors that overlapping policy competences must be shared by multiple levels of government.

But some seemed uncertain how to co-ordinate activities on three tiers, focusing instead on their primary tasks: those in Brussels said all regions face this overlap; Whitehall officials stressed the need to maintain a unified UK line; and Scottish-based respondents highlighted the parliament's ability to implement legislation. Many also cited potential domestic problems, fearing partisan conflict between Scottish and UK governments of differing political complexions could hinder participation and representation. However, there is growing awareness that the Scottish Executive can utilise the principles of domestic governance to participate more successfully in EC policy-making.

Conclusions

The final section of this article will draw some conclusions about elite expectations of multi-level governance, and will consider why members of the three actor categories made differing assertions. Research suggested that most elites expected substantial *continuity* in Scottish policy-making post-devolution: the majority of civil service procedures stay in place, while many policy *outcomes* are likely to remain the same. However, they expected a *change* in the legislative *process* according to new forms of governance. They anticipated more transparent and accountable policy-making, the visibility of distinct Scottish views that may contradict those of Westminster, and the creation of a democratic profile at home and abroad. They also emphasised the principles of participation, co-operation, and partnership.

In terms of Scotland's role in Europe, the majority of elites did not expect Scotland to exert greater *influence* on legislative outcomes. Rather, they highlighted the opportunity for more democratically legitimate and discernible *participation*. They expected the parliament to provide a focus for Scottish interests, while the executive can implement EC legislation in a suitable manner, lobby Westminster, and speak in Brussels with greater authority. Elites are beginning to apply these domestic principles of governance to Scotland's activities in Europe. This was exemplified by their emphasis on the primary importance of working in *partnership* with - rather than in opposition to - the UK government. Some elites (particularly those with work experience in Brussels) added that Scottish success requires *co-operation* with other actors, including MEPs, Commission officials, UKRep, and members of regional

networks. While the need for a collective approach limits the ability of individual Scottish organisations and politicians to *participate* directly at European level, they retain key roles in shaping the implementation of directives.

Although elites held many similar opinions about Scotland's European role, some disagreement between categories stemmed from divergent attitudes toward governance and devolution. *Architects* were the most enthused about 'new politics', but remained pragmatic about the opportunities for and limits of their new legislature. They focused on the parliament's ability to foster new working practices rather than its ability to sway decisions in London or Brussels. In particular, they stressed the potential involvement of civic organisations in creating and implementing legislation. *Builders* did not expect devolution to increase Scotland's participation in EC policy-making or affect legislative outcomes; this belief appeared to result from their first-hand knowledge of satisfactory pre-devolution arrangements and expectation that these would continue. Instead, they focused on the co-operation required to maintain efficient policy-making. They also highlighted the novel visibility of Scottish views within a unified UK system. Finally, *tenants'* expectations fell between those of the other actor typologies. Some were involved with the Constitutional Convention, and sympathised with the civic desire for greater involvement. Others clung more tightly to their status as elected representatives and the need to preserve the union. In general, tenants emphasised the parliament's ability to focus greater attention on Scottish issues than did Westminster; this may include consulting civil society and implementing legislation in an appropriate manner.

There was also a correlation between individuals' expectations and their varying proximity to the devolution process, as some actors disagreed with members of their own category but agreed with those in other categories. Analysis of Scotland's European role showed that elites who were involved in the parliament's establishment - either as campaigners (Labour and Liberal Democrat politicians, civic members of the Convention), members of the Consultative Steering Group (some civic members, politicians), prospective MSP candidates, or Scottish officials designing its structures - appeared more knowledgeable about its operation, optimistic about its ability to forge a new style of politics, and aware of the implications of devolution. Their views were in contrast to the more sceptical views of actors who were further removed from the

process of constitutional change, including Westminster and European politicians, SNP and Conservative members who had initial reservations about the current devolution settlement, some English and European officials, and businessmen affected primarily by reserved areas.

In addition to first-hand knowledge about the devolution process, proximity to UK and European policy-making appeared to make some actors more hopeful about Scotland's ability to achieve satisfactory legislative outcomes. For example, UK builders were the most emphatic about satisfactory involvement by pre-devolution Scotland in the UK's formation of an EC negotiating line. Officials in Scotland Europa, COSLA, and EC institutions were particularly enthused about liaison between Scottish officials, Commission officials, and representatives of other sub-national governments. Others with personal experience in Brussels, including architects and tenants who participated in EC institutions, were equally optimistic about Scotland's ability to make its voice heard. Proximity to the event in question - including the creation of the Scottish Parliament, the operation of the UK government, and the process of EC policy-making - seemed to affect expectations as there was a correlation between knowledge and positive views.

Scotland's policy-makers could apply the lessons of this actor-centred approach to the legislative process. Because individuals with personal experience of an institution or process seemed more supportive of it than those who lacked first-hand knowledge or whose awareness was obscured by a lack of transparency, it would seem that actively involving interested actors in policy-making should make them more supportive of the resulting legislation. This, in turn, should make implementation and enforcement easier and more effective as individuals would feel that their views had been taken into account and would have a vested interest in ensuring successful outcomes. In other words, policy-makers should adhere to civic calls for a shift from *representative government* to more *participative governance*.

In conclusion, consideration of Scotland's role in multi-level governance is of growing importance as the new parliament becomes more established and seeks to increase its influence at European level. Such a discussion is particularly timely given the European Commission's aim to promote better democratic governance. The working programme that introduced its forthcoming White Paper reflects key

principles also identified by Scottish elites, defining governance as “rules, processes, and behaviour that affect the way in which powers are exercised at European level, particularly as regards accountability, clarity, transparency, coherence, efficiency and effectiveness” (European Commission 2000, 4). Two of the paper’s six over-arching themes focus on the role of sub-national governments in European policy-making, examining ways of improving ‘vertical decentralisation’ to regional and local authorities and whether the regional framework enables synergy between various territorial levels. The Scottish experience of establishing a parliament that seeks greater civic participation, a healthy relationship with the UK government, and more active interaction with the European Community can provide valuable lessons for the Commission’s exercise. Furthermore, the continuing application of Scotland’s domestic principles of governance to its activities in Europe can only strengthen the fledgling institution and increase its effectiveness within the UK and European policy arenas.

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