



POLITICAL AND EXTERNAL RELATIONS CO-OPERATION AMONGST EU REGIONS

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➤ **Introduction**

Thank you for inviting me to speak to you today. There are many learned speakers here who have done a considerable amount of research into para-diplomacy and the international relations of the regions, but I shall aim to offer you the practitioner's perspective. I have worked on European Union relations on and off for some years, both in the UK Government's Permanent Representation in Brussels, and in the Scottish Executive – that is, the devolved government of Scotland – and at the beginning of this year I took over as Head of the Executive's Europe Division, responsible for co-ordinating the EU activities of all of Executive departments and overseeing Scotland's relations with individual European countries and regions.

➤ **The context of devolution to Scotland**

It may be helpful to set the context for what I shall say about Scotland's experiences of co-operating with other EU regions if I first give you some historical background to devolution in Scotland.



Scotland was historically a completely separate country from England. It had its own Parliament which was abolished by the Act of Union (with England) in 1707 over a hundred years after the then Scottish king, James VI became also James I of England. The 18th and 19th centuries saw the full integration of Scotland into the United Kingdom alongside a flowering of Scottish cultural life and the development of lowland Scotland as a major economic and industrial powerhouse. In many areas, Scotland led British imperial growth. But Scotland's key separate traditions were maintained – notably its separate legal system, its strong financial system, its separate churches and its strong educational traditions which were reflected in the early development of public education.

The first part of the 20th century saw a substantial growth in administrative devolution to Scotland – that is the development of a UK department of state for Scotland, the Scottish Office, with wider and wider powers covering everything from roads to education and agriculture. From the mid 20th century onwards the idea of national self expression for Scotland began to be part of mainstream political debate, partly as a response to this administrative devolution which had arguably created a democratic deficit. Increasing numbers of Scots began to support the idea of a national Parliament.

1997 saw the election of a Labour government with a massive majority committed to the reintroduction of a Scottish Parliament. It was devised and implemented in record time – the new Parliament opened for business in July 1999 following a referendum and elections in Scotland.

➤ **Scottish devolved powers**



The system of devolution to Scotland is a very comprehensive approach to devolution which gives substantial and unqualified power to the Scottish Parliament and Scottish ministers – unqualified that is except in respect of European policy. The Scottish Parliament has full legislative responsibility for devolved matters: there is no general power to override Scottish decisions by the United Kingdom government.

Devolved powers cover health, education, justice and home affairs, environment, economic development, rural affairs, agriculture and fisheries, local government, transport and include limited local taxation and income tax powers. But powers reserved to the United Kingdom government include all other taxation, social security, employment, immigration, defence and – crucially – responsibility for international affairs and negotiations in Europe.

The devolution settlement means that the United Kingdom government is responsible for negotiating agreements in Brussels on all matters, including devolved matters. This is an inevitable consequence of the United Kingdom being the member state of the EU. It means, though, that Ministers face the challenge of demonstrating not just that they are protecting Scottish interests, but that Scotland has sufficient influence in European decision-making to make devolution of power meaningful in those areas of devolved responsibility covered by European legislation. This is a challenge that I shall return to discuss in due course.

➤ **Scottish expectations of a European Policy**

The context in which the Scottish experience of regional co-operation needs to be seen, then, is one in which our Parliament is still very new and is eager to make the most of the powers that it has only recently received without



feeling itself fenced in any more than is necessary by the constraints of policy decided at an EU level. It is hardly surprising, therefore, that the principle of subsidiarity assumed such significance in Scottish eyes during the recent discussions on the Constitutional Treaty. It is a context in which the Scottish identity – historically very well defined – is undergoing a resurgence of intensity. And it is a context in which Scotland is revelling in the opportunity to take a distinctive policy direction and is looking beyond the shores of the UK for answers to the challenges it faces.

Scotland's First Minister, Jack McConnell, has repeatedly expressed his vision of Scotland as an outward-looking country, emphasising his belief that this is essential if we are to achieve the priority objectives that Ministers set themselves after the last Scottish Parliament elections in 2003, which are:

- growing the Scottish economy;
- delivering excellent public services;
- supporting stronger, safer communities;
- developing a confident, democratic Scotland.

Less than eight years on from devolution, the Scottish Executive is a founder member of REGLEG, the Group of European Legislative Regions. It has two members of the Committee of the Regions and effectively controls the nomination of all other Scottish members. It has membership of the Conference of Peripheral Maritime Regions of Europe, the CPMR. It has signed four co-operation agreements with other regions of Europe (as well three more with partners outside Europe), and it is active in collaboration on an informal basis with several other partners.

Objectives for Co-operation



What are we hoping to get out of this activity? We have three main objectives.

- First, it offers us additional routes for exerting influence on the direction of EU policy beyond the contribution that we make to the UK's negotiating objectives.
- Second, it provides opportunities for exchanging best practice.
- And third, it is often a necessary condition for accessing European funding, for example through the INTERREG III Programme.

It is worth pointing out that a successful co-operation partnership may be formed when the parties do not necessarily share the same objective. For example, Scotland might offer to share its expertise in an area such as public service provision or structural funds with another region or country in the hope of securing future influence or understanding in a separate policy field.

➤ **Co-operation to enhance influence**

As far as influencing EU policy goes, our preferred route has to be through the UK. It is a major member state and itself has a considerable degree of influence over the development of EU legislation. In a very large proportion of cases, there is a minimal difference in policy interest between Scotland and the rest of the UK, and often all that is needed is a reminder to UK negotiators of any special Scottish circumstances that they should take into account. A series of formal agreements and less formal arrangements provides a framework for intra-UK discussion of negotiating positions, and informal



arrangements exist to allow Scottish Ministers and officials to be involved in working group and council delegations in Brussels. Practical constraints – like the pressure on space in Brussels meeting rooms – mean that this happens less often than we would like. But the principle of Scottish official and ministerial involvement is very well established: our ministers will normally be present at key councils such as agriculture, fisheries and often environment and justice and home affairs. They can and do speak – but only to put forward the UK's position.

But there will always be areas where wider policy considerations at a UK level mean that it is not possible for the UK to pursue as a priority an issue which is of real importance to Scotland. In these cases, it is of benefit to the Scottish Executive to look at other routes for promoting Scottish interests, such as co-operation with other European regions. It was out of a shared keenness of several legislative regions to secure additional influence in the Future of Europe convention that REGLEG was formed. The UK was sympathetic to Scotland's ambitions in this area, and in fact the UK Government's representative on the Convention, Peter Hain, submitted a joint contribution on behalf of Scotland and Wales, but it was arguably the efforts of the legislative regions themselves to place their concerns clearly on the European agenda that led to the inclusion in the Treaty of a number of references and provisions favouring the legislative regions.

The REGLEG example provides a useful case study to illustrate a couple of features of co-operation for the sake of influence. The public face of REGLEG's work continues to be the declarations that Minister-Presidents adopt at their conferences each year, but much of its success derives from the arrangements that exist for officials from member regions to collaborate through the year. During the Convention and subsequent inter-governmental



conference these allowed REGLEG regions to pool intelligence on Convention developments more or less in real time, and to co-ordinate the proposals that they were feeding in to the deliberations through their respective channels. This flexibility and speed of reaction is, in our experience, one of the characteristics of an effective influencing organisation. The REGLEG example illustrates another important point: influence, even on a position agreed by members, does not need to be visibly attached to the organisation to be effective.

➤ **Co-operation to exchange best practice**

We have pursued the exchange of best practice through both formal agreements and informal contacts, and both with individual partners on a bilateral basis and through larger groupings. Our co-operation agreements with Catalonia, Tuscany, North Rhine-Westphalia and Bavaria cover a wide range of policy areas including spatial planning, economic development, drugs misuse, culture and administrative co-operation, while our Education Department runs a benchmarking scheme with a group of partners. Of course, there is no reason why co-operation for the exchange of best practice should be limited to partners at the regional level of government. The Education Department has had active contacts for some years now directly with the French Education Ministry.

What is important is that potential partners should be chosen for their suitability for the exchange of best practice. We have adopted a number of criteria for assessing potential targets for co-operation:

- similarity of policy environment. This encompasses both internal and external considerations. There is no point a government which espouses the ideals of a free market economy trying to draw useful

lessons about public service delivery from a partner which operates according to a very strong social partnership model, for example. Likewise, countries or regions which face similar policy challenges to Scotland, such as conditions of sparsity of population in rural areas or post-industrial area regeneration, are likely to offer the best chances of learning something useful, depending on the policy area of interest;

- desire to concentrate on the same policy areas that we want to address, or at least a good balance between areas in which we can learn from a partner, and those in which we have something useful to offer in return;
- the political will to co-operate. This does not mean necessarily choosing partners which are under the control of a government of similar political colour as our own, but it is an obvious truth that administrations will be better placed to devote time and effort to a relationship when their politicians place a priority on it, and so the personal interest of Ministers is an important consideration;
- whether the prospective partner is a target for other reasons. For example, do we see it as a priority area for trade promotion?

➤ **What makes for successful co-operation?**

With a few years of experience of co-operation with other European partners behind us, what lessons do we draw?

The first prerequisite for successful co-operation is clarity of focus. Our experience of working through REGLEG has been a positive one because REGLEG members are clear that the organisation exists to advance the



constitutional position of the legislative regions within the European Union. They do not allow it to become distracted with other potential objectives. This means that the messages that it is promoting are clear to its audience of European decision-makers and member state governments. Because it was a shared interest into constitutional change that drew member regions together in the first place, the maintenance of focus also means that members can agree a common position on new developments with the minimum of negotiation, which in turn allows REGLEG business to be conducted efficiently.

The second determinant of success is that we should be realistic about how much we can achieve. However valuable the co-operation, there is an opportunity cost to it, in terms of official resources and Ministerial time. As I have already said, for relationships to be most productive, we need to be able to demonstrate our commitment to partners. What this means in practice is that those of us who are setting the relationships up should not look to the same policy functions to participate in each partnership. We might well have expertise to share in the field of public private partnerships, for example, and we might find that many prospective partners are keen to learn from our experiences in this field, but we will not do ourselves any favours if our public private partnership experts find themselves overcommitted and unable to devote the time and energy to relationships that they need. A corollary of this principle is that we should ensure that our partners have a clear understanding of what we can deliver and vice versa.

A third criterion, which applies in the case of multi-lateral co-operation for the purpose of influence, is that an effective route must exist for the Scottish Executive to feed its views into the process of determining the position that a representative organisation will take publicly. If an organisation of which we are a member does not represent our interests, there is little point in us belonging to



it. Indeed, in some cases it might be argued that it is positively detrimental for us to be associated with an organisation that promotes a contrary view. One of the challenges that faces an organisation like the Committee of the Regions, which has a very broad membership covering all levels of government from the most powerful legislative regions – which are in some senses quasi states – to the most local municipal authorities, and all corners of the European Union, is how to produce meaningful positions which nevertheless represent the interests of all of its members fairly.

I have already spoken of the benefits of an organisation that uses effective channels of communication at official level to respond quickly to developments. Much of the value of lobbying in an EU context comes from being able to influence policy at an early enough stage in the policy development process.

Finally, the key criterion for assessing whether co-operation has been successful is whether it has delivered tangible benefits, in terms of EU legislation that reflects Scottish interests, or lessons that we can apply to bring about improvements in Scottish service delivery. There is no consensus in Scotland amongst the media or in public opinion that international engagement is inherently a good thing, and so the driving force for regional co-operation comes from a personal conviction on the part of Scottish Ministers that benefits to Scotland will flow from it. They need to be able to demonstrate that the resources that they have committed to it were well spent.

➤ Conclusion

In conclusion, then, just a few years after the Scottish Executive came into being, we have opened up a number of channels for co-operation with other



European partners, both bilaterally and through membership of European organisations. We have derived a wide range of policy benefits from these relationships. There is every reason to believe, therefore, that whatever the outcome of next year's Scottish Parliament elections, we will continue to be active in European inter-regional co-operation in the future. On the basis of our experience to date, we can expect to focus our resources quite carefully on those relationships which are most likely to deliver those policy objectives that are important to Ministers.

Thank you for your attention, and I hope that this overview of Scottish experiences of co-operation has been of value to you.

Zaragoza, 5 de octubre de 2006