

Merely a talking shop?
The European Committees of the Scottish
Parliament and Welsh Assembly: 'New
Politics' in a System of Multi-Level
Governance?

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**WORK IN PROGRESS – COMMENTS
WELCOME.**

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Introduction.

The new constitutional arrangements, which set up the devolved institutions in Scotland and Wales in 1999, were markedly asymmetrical. Both the Scotland and Government of Wales Acts of 1998 created institutions that not only diverged in form from the Palace of Westminster but also from each other in their procedures and powers and even in part their electoral systems. No doubt such asymmetry in the systems of governance was meant to reflect the difference in size between Scotland and Wales but a sub-text was a perceived difference between the two in the character of their national consciousness and political cultures. Such asymmetry then was part and parcel of the new politics. But much more was meant by the term 'new politics'. Indeed, it would seem to be that any contemporary academic analysis of post devolutionary politics in Scotland and Wales has the concomitant – almost obligatory but now clichéd – label of 'new politics' attached (for example, Hazel, 2000 and Paterson et al, 2001).

This rhetorical context placed great emphasis upon a difference in political approach to that of the 'old politics' found in the House of Commons. It was the ambition of many in both Scotland and Wales that institutional innovation should inaugurate an era of 'new politics' that would eschew the confrontational and partisan schema of Westminster politics for an inclusive, participatory and consensual approach to politics. One may postulate that if this new consensual and inclusive approach was to be realised then it would be in the committee systems of both institutions where we would initially expect to observe it. After all, cognisant of the asymmetrical sets of powers, the committee systems of the new legislative schemes were viewed as extremely important to the running of both devolved institutions. Regarding Wales, Alan Michael, who was First Secretary before his resignation in 2000, was of the opinion that the committee system was intended to be the 'engine room' of the Assembly's operation (Osmond, 2000, p. 47). And, for Scotland:

'To help engender a more collaborative political culture, and one that could be distinguished from the Westminster model, the cross-party Consultative Steering Group charged with drafting Standing Orders and Procedures for the Parliament had endorsed four key principles: power sharing, accountability, access and participation, and equal opportunities. It...recommended a powerful role for parliamentary committees to extend beyond scrutinising the work of the executive with a view to allowing them to contribute to the development of policy and even initiate their own legislation. Their role in influencing the pre-legislative process was highlighted and they were encouraged to enhance participation in the policy process by drawing on expertise and advice from different sources [and] holding enquiries where necessary... it is not surprising that old party rivalries are played out in the parliamentary chamber, although a more co-operative atmosphere is evident in parliamentary committees (Paterson et al, 2001, pp. 8-9).

The legislative studies literature chimes with such a vision. Longley and Davidson (1998) claim that parliaments, which according to the then prevalent scholarly

literature were expected to decline in significance in the 1960s and 1970s, actually developed new and vital political roles invigorated by parliamentary committees. Lees and Shaw (1979) put forward the notion that small face to face groups in legislatures were vital for decisional and deliberative actions to occur. However, a central issue for the extent of oversight and impact upon the decision making process is the level of specialisation and the stability of membership of a committee. Ideally, those doing the overseeing should possess specialist knowledge and the one factor that can foster such an expertise is stability of committee membership. Mezey (1979) emphasises the importance of the concepts of specialisation and the stability of membership along with the idea that if committees are to be the primary area for legislative deliberation then they should enhance a capacity for privacy, which should facilitate bargaining and increase deliberative capabilities. In short, ideological and partisan battle lines are more likely to be drawn out on the floor as members play to the electorate for votes via the public gallery which militates against the ‘meeting of minds’ which can flourish in private. Thus, for the new institutions to be strong *active* institutions holding their executives to account while participating in policy-making, and not just a weak *reactive* one à la the Westminster chamber, it is necessary to have strong committees with an absence of party ‘control freakery’ and a less than effective whipping system in the committees.

In this paper we examine the European Committees of both the Scottish Parliament and Welsh National Assembly in order to explore the extent to which such ‘new politics’ in a system of multi-level governance actually exists. Of course, the devolution settlement did not grant Edinburgh or Cardiff direct responsibility for European Affairs. But in the four overarching Concordats which set out a framework for intergovernmental relations in the devolved UK, the topics on the ‘co-ordination of EU policy issues’ along with ‘international relations’ were far longer and more detailed than the other two Concordat topics of ‘financial assistance to industry’ and ‘statistics’ (Hazell, 2000, pp. 158-159). For Hazell this amount of detailed print reflected the importance of the EU and international relations to both the UK government and the devolved administrations (ibid. p. 158). Europe then has thus far proven to be a far from peripheral issue for our devolved institutions and with its range and overlapping areas of responsibility it offers us the ideal window of opportunity to discern the reality of ‘new politics’ in such important overarching committees. To carry out this examination the paper draws upon interviews conducted with past and present members of the European Committees in both institutions¹. In short, vis-à-vis the European issue, we find however that ‘government’ and ‘opposition’ politics are present in much the same adversarial manner as that found at Westminster but that a substantive ‘new’ aspect is emerging in the form of a developing nationalist – unionist adversarial cleavage on this crucial issue of Europe.

¹ Eighteen members from the four major parties, nine from each institution who had served or were still serving on the European Committee were interviewed as part of an ESRC funded survey (R000223242) of MSPs and AMs’ views on European integration, between March and June 2001. In addition to around 30 in depth interviews a postal survey was mailed to all members of both institutions, with an overall response rate of 52 per cent for the Scottish Parliament and 55 per cent for the National Assembly for Wales.

Asymmetric Effectiveness?

Along with the different roles and powers set out for the new institutional infrastructure in Scotland and Wales we also find differing expectations for the monitoring of European issues. Of course, it was expected that both sub-national institutions would promote Scotland's and Wales's position in Europe but in reality that meant followed from the institutional cards that they had been dealt in the devolutionary settlement. Both the White papers for Scotland and Wales anticipated that the sub-national institutions would be involved in the formulation of European policy and importantly that they would also involve themselves with the 'scrutiny of EU business', although the extent of such scrutiny was a matter for each institution (Carter 2000). The Scottish legislative model with the executive separated from the Parliament lent itself to the idea of accountability and scrutiny of the executive by a European committee on European matters. However, the executive devolution model for the Welsh Assembly did not have this institutional framework. As a corporate body the Welsh Cabinet and Assembly did not have this separation of powers and as a body it could only issue subordinate legislation since it enjoyed no primary legislative powers. Importantly however, the subject committees of the National Assembly were seen as the vehicle for this technical scrutiny of subordinate legislation and not the European Affairs Committee. Thus, the Welsh Assembly did not have the *ex ante* function of scrutiny that is found in the European Select Committee at Westminster or indeed of the European committee in the Scottish Parliament (ibid. p. 454). This was graphically outlined by a leading Welsh Labour AM:

'What we are certain about is that we don't want to go down the road the Scots attempted from the first off of scrutinising. I know from my House of Commons experience what a nightmare job that is. It's like stuffing your mouth full of Brillo Pads and then trying to un-pick them all with your back teeth. Just absolutely hopeless. You can't do it. The number of AMs you would need to do that! So...officials are supposed to bring to the attention of the Subject Committees, not the European Committee, any European issue that is relevant to that Subject Committee, animal health or food standards or the usual stuff about environment, economic development, whatever it might be... It's not the objective that the average directive should be subjected to Welsh Assembly scrutiny².

Leading Welsh Conservative and Liberal Democrat AMs concurred with this view on scrutiny. The Liberal Democrat advanced the reason that because the Assembly had no primary powers it would have to evolve in this way first before a European Committee could carry out such a task. Equally, a pre-eminent Conservative AM was of a similar opinion that scrutiny must be left to the subject committees and that the Committee should not focus on policy minutiae. However, it should be noted that later the Conservative did admit of the Welsh European Committee:

'I think it has been a little bit disappointing in terms of what it has actually delivered in terms of the way it functions within the National Assembly. I don't blame anybody in particular for that because it's different from subject committees obviously – it's cross-cutting – and therefore I think it's been a

² Interview material.

case of responsibility just disappearing into a black hole with nobody really knowing whether the subject committees are responsible for mainstreaming Europe or whether the European Committee takes an overall view of all the European dimensions and I think one has tended to assume the other's happening and therefore nothing has happened in any real way. I believe fundamentally that we have got to look at it again. We're doing that in terms of the review of the workings of the Assembly that's going on at the moment and one thing that I think we need to do is ensure that Europe is on the agenda for every subject committee, that there's somebody who takes lead responsibility for Europe on each subject committee and that the European Affairs Committee has more of an umbrella role where things are referred back and we take strategic view of things like the enlargement of Europe, the Nice Summit, the Euro, issues like that, rather than try and cover, which I think would be impossible, cover all the European dimensions'³.

Conversely, as we shall see Plaid Cymru (PC), with similar views to those of the Scottish National Party (SNP) for Scotland, also emphasise the 'black hole' aspect of the European Committee and its ineffectiveness in scrutinising policy and indeed the incapacity of such committees to offer any influential role. In a paper which commented on the role of the European Affairs Committee, Plaid posed the rhetorical question of the whole rationale for the Committee given that in their eyes it was not even executing the current arrangements laid down for it. The stark example was the Objective One debate on structural funds where the Committee was not even allowed to comment on this crucial issue, as the different structural plans were the remit of the different subject committees. Consequently the Plaid Cymru report claimed that: 'it does not seem that the National Assembly as a whole has a proper mechanism in place to scrutinise EU legislation. Officials say this is done by their keeping track of legislation and informing the relevant Subject Secretaries and Committees; the Committees, they say, are supposed to keep an eye on EU legislation and produce reports on how it effects their areas: this does not appear to have been happening'⁴.

This disaffection with the legislative schema for Wales was clearly evident in the Queen's speech at the end of December 2000, when a resolution seeking to stiffen the Assembly's role in influencing Westminster's legislative programme was approved overwhelmingly by 49 votes (Osmond, 2001). Moreover, we see from table 1 that Welsh AMs are nearly three times more likely than their Scottish MSP counterparts to strongly agree/agree that their European Committee has not adequately discharged its functions and needs urgent reform.

Table 1 about here.

In table 1 we see that a staggering two thirds of AMs view the European committee as needing urgent reform while just under a quarter of MSPs think likewise. Of greater significance may be the fact that double the amount of Welsh Labour AMs, 43 per cent, also believe that their EU Committee has performed inadequately in relation to the 21 per cent that disagree with such a view. One may not be surprised to find the opposition parties holding such a view but the extent of this Welsh opposition

³ Ibid.

⁴ 'Comments on the Role of the European Affairs Committee of the National Assembly of Wales', paper presented by Plaid Cymru the Party of Wales, 30 November 2000, <http://www.wales.gov.uk>.

disaffection is of particular note with Plaid Cymru and the Welsh Conservatives in near unanimous agreement on this issue. To reiterate, in the Scottish Parliament we find nothing like this level of dissatisfaction, indeed only 7 per cent of Labour MSPs would subscribe to such a view about their European Committee. In the Nationalist and Conservative opposition parties the charges of inadequacy against their Committee falls some considerable way short of the levels of dissatisfaction found in Wales, over a third for the Scottish Nationalists and well under half for the Scottish Tories, in relation to their counterparts in Wales.

Of course, these asymmetrical levels of dissatisfaction with the European Committees may well be predicated upon Welsh disillusionment with the asymmetrical devolutionary framework. Indeed, when we put to the MSPs and AMs the attitudinal statement of: ‘Scotland/Wales lacks the influence in Europe enjoyed by other regions such as the German Länder, Catalonia and the Basque Country’; only 38 per cent of MSPs strongly agreed or agreed with this statement; and with 90 per cent of SNP respondents agreeing this no doubt skewed the percentage figure somewhat. But astonishingly 91 per cent of Welsh AMs agreed with the statement, with the Welsh Tories, Liberal Democrats and Plaid Cymru all in unanimous agreement, while 79 per cent of Welsh Labour AMs agreed with such sentiments also. A majority of Scots MSPs may appear to have a greater acceptance of their post devolutionary legislative framework and although most past and present Scottish MSP members of the European Committee also accepted the need for scrutiny and involvement at all stages of EU policy formulation, in particular at the pre-legislative stage, it should be noted, as in Wales, that there was still considerable differences between the MSPs on how effective this scrutiny, influence and involvement actually was, as we shall see in the following sections.

Glorified Lobbyists?

In a minute of the National Assembly’s Committee on European Affairs, in June 2000, we find that Welsh ‘Officials had recently visited the Scottish Parliament to discuss their approach to scrutiny. The Parliament’s original approach had involved a rigorous process of examining whether there was a Scottish line on all EU policies but they had found few instances where there was a distinct Scottish interest. Even when there was one, they had not been very successful in influencing the UK line or their Executive. This system was very time consuming and had little effect. They were reconsidering their procedures to identify priorities in advance. Members were advised that Wales could obtain from Whitehall, as the Scottish Parliament does, the 1200 or so documents produced by the EU, together with the Government’s explanatory memoranda. The problem was in finding the staff to deal with those documents. The House of Commons European Select Committee [ESC] had 16 staff at its disposal and the 2 and a half staff of the Scottish Parliament’s Committee had found the work unmanageable’⁵. This lack of staff, of course, has implications for the expertise and specialisation of the committee, an issue which we shall return to below. But one solution may well be the one outlined by Jimmy Hood MP, Westminster’s European Scrutiny Committee chairman, at the inaugural EC-UK committee meeting

⁵ Committee on European Affairs, Minute 8 June 2000, paragraph 5.3, <http://www.wales.gov.uk>.

on the 30 November 2000⁶, when he emphasised the importance of being ‘selective to be effective’ when dealing with European documentation for scrutiny. Hugh Henry as Convenor of the Scottish European Committee, while stressing that legislative scrutiny would be essential, with the main issue being one of selectivity, also emphasised how essential it was to get Scotland’s voice heard before Westminster and Whitehall [and one may add before the EU] form opinions⁷.

The issue of scrutiny may have been the leitmotiv which captivated the early committee debates but the concomitant question of how ‘team Wales’ and ‘team Scotland’ were to obtain influence in Europe was another essential question for the European committees. Indeed, in our interviews this role of gaining ‘influence’ or facilitating ‘European’ networks was perceived as an essential component of the their respective European Committee’s role. For example, a Scottish Liberal Democrat in reply to a question on how the Committee could improve the way it discharged its roles said: ‘I think it’s just a matter of developing experience and contacts. I had the privilege of being in Brussels a couple of weeks ago and that was just, you know, going round being introduced to people in Brussels that could be useful to us and I think that sort of building up contacts, knowing who the movers and shakers are, knowing how the whole system works and where you can input effectively, you know it’s an incremental thing, I don’t think we need to change anything I think we just need to do it more and better’⁸. Similar opinions were found in Wales, for example a Labour AM said: ‘I like to think that the committee could concentrate on finding ways for the Assembly to interact as closely as possible with the European Union and get as closely involved as possible through our presence in Brussels for example, the Wales European Centre and I guess, what is effectively, a diplomat in Brussels’⁹.

It is not a particularly controversial idea to promote Scotland or Wales in Europe while utilising all the many and varied networks within both the respective nations to do so. But we would assume that reversing the promotional causal pathway would increase the likelihood of controversy for such a promotional role. However, what we actually found was that our respondents’ replies were very much in line with their Parties’ perceived positions vis-à-vis European integration in general. Thus, the Conservatives were the only members wary of such a role for the Committees being perceived as one of propaganda and only one Welsh Labour AM, while believing such a role to be reasonable, thought there was little chance of finding a consensus amongst the members to do it. In reality there was very much a consensus amongst both sets of representatives to overtly promote the supranational entity of Europe in Scotland and Wales. Both the committee minutes and our interviews were replete with such suggestions. A leading Liberal Democrat AM said it was essential to promote Wales in the EU and the EU in Wales and was at ease with both aspects of this promotional role. Indeed, a minute of the Committee in Wales intimated that: ‘Members remarked that ‘Europe’ did not raise much interest among the general population but is viewed as a cause of problems rather than solutions or assistance. It

⁶ The EC-UK committee is the ‘multi-level meeting’ of all the chairs and deputies of the European Committees for the House of Commons, House of Lords, Scottish Parliament, National Assembly of Wales and Northern Ireland Assembly.

⁷ Scottish Parliament European Committee Official Report, 23 June 1999, <http://www.scottish.parliament.uk>.

⁸ Interview material.

⁹ Ibid.

was suggested that a ‘roadshow’ to raise awareness of European issues be organised, although clarification would be needed as to whether the Assembly had powers under the Government of Wales Act 1998 to organise such an event¹⁰. In their inaugural Committee meeting the Scots MSPs seemed even more enthusiastic about educating their populace to love Europe:

Irene Oldfather: ‘The Convenor mentioned the low turnout at the European elections and the fact that the Scottish people are a little disillusioned about Europe and switched off by it. We have a unique opportunity to turn that around. We have the opportunity to reflect Scottish views in Europe, but also to reflect European views in Scotland....’

Margo MacDonald: Mr Convenor, like Irene, I am interested by point 4 of our remit. If we believe that it is part of our remit and duty to ensure that people get to love Europe or at least have a more realistic understanding of Europe, we must concern ourselves with – if you like – the pre-emptive strikes....’

Dr Sylvia Jackson: Exactly. That has a lot to do with, for example, education for citizenship. I assume that this point would come under point 13 or our remit about liaising with the wider European constituency in Scotland. Can the points in our remit be altered? I do not think that point 13 says enough about the aspect that Margo mentioned and with which we all agree. Perhaps the remit should be slightly altered to mention promoting – although I do not know whether that is the right word – Europe in Scotland’¹¹.

Dr. Jackson assumes that all in attendance are in agreement with this promotional role for the committee. Only two Conservative MSPs attended that inaugural meeting and one of them, Ben Wallace (the other was David Mundell), arrived after those exchanges had taken place but we see from table 2 that such a promotional role for the Scottish Parliament, in general, was accepted by 16 per cent of Tory MSPs.

Table 2 about here.

What table 2 clearly shows is that both institutions were of the opinion that they should act to promote European issues and ideals in Scotland/Wales. Only the Conservatives in Scotland and much less so in Wales were circumspect about, what for them could be construed as, a propaganda role on behalf of European integration. In Scotland 58 per cent of Conservative MSPs strongly disagreed or disagreed with any such role for the Scottish Parliament while 67 per cent of Tories in Wales were undecided. Interestingly, 11 per cent of Scottish Labour MSPs were also against such a promotional role on behalf of Europe. However, such views have been mirrored in the parties views at Westminster, with the Liberal Democrats complaining that New Labour were not promoting European idealism enough, even though it was Labour’s junior foreign office minister, Keith Vaz, who subsequently ran the European roadshows in Scotland and Wales. If our ‘new politics’ then were not clearly evident in this context of promotion and influence would we find such a notion operationalised in the specialisation and expertise of the Scottish and Welsh committees?

¹⁰ Committee on European Affairs, Minute 9 March 2000, paragraph 8.3, <http://www.wales.gov.uk>.

¹¹ Scottish Parliament European Committee Official Report, 23 June 1999, <http://www.scottish.parliament.uk>.

Specialisation and Stability?

We touched on the legislative studies literature above which has seen as a central issue the level of specialisation and the stability of membership of a committee in conjunction with a capacity for privacy which helps foster the necessary expertise that contributes to the role of strong committees in active legislatures.

In addition we have already had some indication of the extent of overload of the committee in Scotland having two and a half clerks involved in the process of scrutinising 1200 or so documents produced by the EU. Indeed, following the decision of the Scottish Executive to extend the remit of the European Affairs portfolio to cover external affairs the Committee has decided to extend its remit further in sympathy. Perhaps somewhat optimistically, the then Convenor of the Committee, Hugh Henry, assured the Procedure Committee that “As yet, nothing that the Executive is doing suggests that such a change would be a burden”¹²

Yet if the Scottish European Committee has struggled with its burden, it has appeared to some that in its initial two years the Welsh European Affairs Committee had gone to the opposite extreme. The Welsh European Affairs Committee deliberately eschewed from the outset any attempt to perform a scrutiny role. Rather, as we have seen, it conceived of its role in strategic terms in co-ordinating the responses of the Assembly’s Subject Committees to European issues, provoking disquiet from Plaid Cymru which argued that some selective scrutiny should be possible,¹³ not least in relation to Wales’ performance in using European structural funding.¹⁴

As a consequence nationalist members expressed deep frustrations in interview with the Committee’s performance. One Plaid Cymru AM confessed, ‘I can’t really for the last two years think of very much that the European Committee has done which one can say has had any sort of effect on anything in Europe or indeed any kind of effect on anything’.¹⁵ Similarly, another Plaid Cymru AM commented that ‘the committee did not meet very often and the papers that we received for that committee did not seem to have much of a purpose to them. They required no action. They were just for information only or to note...meetings called infrequently to discuss nothing didn’t seem to me to be the way forward’.¹⁶

The committee’s review of its operations in May 2001 did go some way to addressing some of these concerns, not least in providing the opportunity for sub-groups of the committee to explore key cross-cutting issues such as enlargement of the European Union. In addition, the review also recognised the ‘black hole’ or what Phil Williams AM described as the ‘silo mentality’¹⁷ which had emerged in relation to the oversight of the subject committee’s handling of European issues. Members of the Committee were now to take on the role of rapporteur for their subject committees, subject committees were to provide progress reports and invitations were to be issued to the

¹² Proceedings of the Scottish Parliament Procedures Committee, 29th May 2001, Col.792.
<http://www.scottish.parliament.uk>.

¹³ Minutes of the National Assembly for Wales European Affairs Committee, 30th November 2000.

¹⁴ National Assembly for Wales, Official Record, 30th October 2001.

¹⁵ Interview material

¹⁶ Interview material

¹⁷ National Assembly for Wales, Official Record, 30th October 2001.

chairs of each subject committee to discuss their co-ordination with the European Affairs Committee. Equally, the decision in October 2001 to extend the remit of the committee to include external affairs is likely to provide an additional impetus and broader agenda. However, the Committee continues to meet only twice each parliamentary term (compared with roughly every fortnight in the case of the Scottish European Committee) and consequently doubts must still remain whether on this schedule of meetings the Committee will ever develop sufficient momentum in the performance of its functions.

Yet aside from the Scylla and Charbidis of overload and underactivity, there remain further doubts over the extent to which these committees fulfil the requirements of strong committees as outlined in the legislative studies literature. Carter (2000) outlined in her work that effective scrutiny was dependent on behavioural values of 'goodwill' and 'trust' which would help overcome the difficulties of time and sharing of intelligence. But very clearly in the Scottish case that both 'elements of scrutiny to ensure effective influence' have been missing.

Several members of the Scottish committee have voiced their frustrations with the flow of information to the committee. As Ben Wallace, put it to Jack McConnell, then holding responsibility for the European and External Affairs portfolio in December 2000, "This committee has sometimes found it hard over the past eighteen months to get information from the European Commission, the European Parliament or indeed the Westminster Government that would be necessary for us"¹⁸. In particular, several members of the committee were exasperated that they received no advance information on the agenda of Council of Ministers meetings at which Scottish Executive ministers were likely to be in attendance. Consequently any opportunity for the Committee to have a pre-Council input and thereby a pro-active influence on decisions in this European forum evaporated.

Carter (2000) foresaw that such a tension would arise given the need for confidentiality when sharing information between the committees in our system of multi-level governance collided with the demands of the 'new politics' for open government in Scotland and with the 'inclusive politics' for Wales, where as a 'body corporate' confidential information may well be revealed in a full plenary session. For example, one of the Plaid AMs said: 'The important thing is how does the work of the European Committee interact with the work of the Subject Committees, how does it interact with the Plenary because the Plenary is the one place where you can take a decision as a body corporate which would actually call upon the administration – the government – to do something'¹⁹.

Indeed, it was only in February of this year that the members of the Scottish Committee addressed and reached a consensus on this issue with an agreement that the Deputy First Minister will be required to present himself before the Committee at the start of each new European presidency and that the Committee will require advance notice of at least one month before the meeting of the dates and agendas of Council of Ministers meetings²⁰.

¹⁸ Scottish Parliament European Committee Minutes, 12th December 2001, Col.895.

¹⁹ Interview material.

²⁰ At the time of writing these proposals have been submitted to the Scottish Executive for their response.

On the question of specialisation some of the comments from our interview material were quite scathing about the level of expertise held by these representatives on Europe. For example, one leading Labour MSP noted that ‘the vast majority of the committee’s membership had no real prior knowledge of European issues’. And an SNP MSP suggested that some Labour committee members ‘wouldn’t know Europe if it leapt up and punched them on the nose’ and ‘as groupies for the Labour Party they think they know about Europe but they don’t know the difference between the European Court of Justice and the European Convention on Human Rights’²¹. Leaving aside the extent of such derogatory partisan comments in our era of new politics for the moment, it should be stressed that the necessary expertise is highly unlikely to be fostered by such committees that change their personnel so frequently. The desideratum of stability of membership is quite evident in the figures for turnover in the committees.

Tables 3 and 4 provide an overview of the degree of membership stability of the committees of the Scottish Parliament and Welsh Assembly by calculating the percentage of members originally appointed to each committee who continued to serve in February/March 2002. As these tables show, in both institutions the general level of turnover in committee membership has been striking. However, such high turnover in members has been particularly marked on the European committees of both institutions.

Tables 3 and 4 about here

In Scotland, in total twenty MSPs have served on the European Committee at various points in its existence²² and just two of its original members remain on the Committee at its time of writing, a level of turnover only exceeded by the Finance Committee. In Wales a total of twenty four AMs have served on the European Affairs committee since its creation in June 1999²³. Only three of its original members continue to sit on

²¹ Ibid.

²² The MSPs who have served on the European Committee are: Hugh Henry (June 1999-December 2001); Maureen Macmillan (Labour) (June 1999-January 2001); Bruce Crawford (SNP) (June 1999-November 2000); Winnie Ewing (SNP) (June 1999-November 2000); Sylvia Jackson (Labour) (June 1999-January 2001); Cathy Jamieson (June 1999-January 2001); Margo MacDonald (SNP) (June 1999-January 2001); David Mundell (Conservative)(June 1999-January 2001); Irene Oldfather (June 1999-Present); Tavish Scott (Liberal Democrat) (June 1999-November 2000); Ben Wallace (Conservative) (June 1999-Present); Allan Wilson (Labour) (June 1999-November 2000); Dennis Canavan (Independent) (August 1999-Present); Richard Lochhead (SNP) (November 2000-January 2001); Lloyd Quinan (SNP) (November 2001-Present); Colin Campbell (SNP) (January 2001-Present); Helen Eadie (Labour) (January 2001-Present); John Home Robertson (Labour) (January 2001-Present); Nora Radcliffe (Liberal Democrat) (January 2001-Present); Sarah Boyack (Labour) (December 2001-Present).

²³ The Assembly Members who have served on the European Affairs Committee are: Alun Michael (Labour) (July 1999-April 2000); Mick Bates (Liberal Democrat) (July 1999-May 2001); Val Feld (Labour) (July 1999-October 2001); William Graham (Conservative) (July 1999-October 1999); Christine Gwyther (Labour) (July 1999-October 2000); Elin Jones (Plaid Cymru) (July 1999-January 2000); Rhodri Morgan (Labour) (July 1999-Present); Alan Pugh (Labour) (July 1999-October 2000); Rod Richards (Conservative) (July 1999-October 1999); Rhodri Glyn Thomas (Plaid Cymru) (July 1999-Present); Phil Willaims (Plaid Cymru) (July 1999-Present); Nick Bourne (Conservative) (October 1999-Present); Jonathan Morgan (Conservative) (October 1999-Present); Jocelyn Davies (Plaid Cymru) (June 2000-November 2000); Delyth Evans (Labour) (June 2000-November 2000); Rosemary Butler (Labour) (November 2000-Present); Christine Chapman (Labour) (November 2000-Present);

the committee and as Table 4 shows this represents the highest level of membership turnover amongst all National Assembly committees.

Such instability has several causes. In both Scotland and Wales changes in the leadership of several of the political parties coupled with the reshuffling of ministerial portfolios have played their part in the movement of members. However, additional factors have been at work, at least in Scotland. In December 2000, the entire committee system was restructured and the maximum number of committee members reduced. As a consequence the European Committee was reduced in size from thirteen members to nine. Not only did this generate additional instability, but as one SNP MSP told us ‘It was presumptuous of us to believe that the workload they were given in the first year could allow us to cut the Committee member numbers... we don’t have enough people to do the work which we are required to do right now’²⁴. However, for others who had served on the Scottish European Committee leaving was a matter of volition, triggered by frustration and dissatisfaction with the functioning of the Committee. For example, when we asked one SNP MSP why they left the Committee we received the blunt response: “It was just not worth serving on”²⁵. Regardless of how such high levels of turnover are to be explained it is nonetheless clear that such instability has inhibited the accumulation of the expertise and skill that are essential for the success of the committees in both Scotland and Wales.

New Committees - New Politics?

The evidence outlined above strongly suggests that we are very unlikely to have that ‘meeting of minds’ amongst the MSPs and AMs through specialisation, stability of membership and capacity for privacy in the European Committees of the devolved institutions. But what of a meeting of minds, in the sense of a non-adversarial political approach in our schema of ‘new politics’. Can we establish if such an approach is present? Will we find a less than effective whipping system in these committees and a lack of ‘control freakery’ which would underpin that greater co-operative atmosphere that is putatively evident in the Committee system of the new institutions and in particular, for our purposes, evident in the European Committees?

Unfortunately, our evidence shows that the answer to these questions is a resounding no. The evidence outlined below shows that not only do we have the ‘old’ adversarial partisan politics as found in SW1, but we also have a ‘new’ adversarial Nationalist – Unionist dimension to this crucial aspect of Europe. For example, we outlined above the Welsh AMs greater dissatisfaction with the asymmetrical constitutional framework, in particular vis-à-vis aspects of European integration. But, interestingly in table 5 we see that the Welsh AMs are slightly less prone, than their Scottish counterparts, to view the EU as a better forum for advancing Welsh (Scottish) interests than Westminster.

John Griffiths (Labour) (November 2000-Present); Ieuan Wyn-Jones (Plaid Cymru) (November 2000-Present); Mike German (Liberal Democrat) (May 2001-Present); Tom Middlehurst (Labour) (December 2001-Present); Brian Hancock (Plaid Cymru) (February 2002-Present); Dafydd Wigley (Plaid Cymru) (February 2002-Present). All details of membership are taken from the European Affairs Committee Minutes.

²⁴ Interview material.

²⁵ Interview material

Table 5 about here.

Not surprisingly it is the Nationalists who see Europe as a better forum than Westminster for advancing Celtic interests but none of the other party representatives in Wales agree with this view. We should note in the Scottish Parliament however that 4 per cent of Scottish Labour and double that of Scottish Conservatives believe that a European forum may facilitate the advancement of Scottish interests rather than looking to Westminster for such a role. However, the Unionist – Nationalist divide is clearly evident in table 5 and more importantly for our analysis we now outline the evidence which shows that the issue of Europe is perceived as a weapon to be exploited in the new Unionist – Nationalist adversarial divide along with the old partisan politics resonant of the Westminster village.

Labour members in Scotland and Wales offered the view that the European committee was still being used for partisan politics, with a particular temptation for some members to ‘grandstand’. A Labour AM was of the view that the European Committee was ‘more prone to grandstanding than the subject committees’²⁶. He believed there was a persistence of partisan attitudes that to an extent not found in subject committees. Indeed, he gave the example of education, where there was clear ideological differences between Labour, the Tories and Plaid, to show that it was possible to reach a working agreement. He stressed however that such a working agreement was not possible on the European Committee. Similarly, in Scotland a Labour member believed that: ‘The only slight problem, is from, you know, my experience at Westminster, I was on two Select Committees there in my time and there was a sort of consensual approach to things, you know, an all-party approach. I think that would work better here. There is one member of the committee, who will remain nameless, they’ve got a very aggressive party approach to things and that could make it difficult actually. But that’s something that’s just going to have to evolve... Now because of the standing orders of the Scottish Parliament any member of the Parliament can turn up and take a part in committee proceedings. Now, of course, it was absolutely irresistible temptation for certain individuals to come in and grandstand. Which is great fun for them and will get them some short-term publicity but it really doesn’t help the committee and, you know, getting factual information and reaching sensible conclusions. So that’s a problem which we’re going to have to sort out’.

The Conservatives in both Wales and Scotland were concerned with the partisan nature and the element of ‘executive’ control of the Committee. A Scottish Tory MSP argued that ‘of all the committees in Parliament it was the least effective due to the Convenor over obliging the executive. The Committee always backs the party line it is the most partisan of all the committees’. The Welsh Conservative did ‘not see why the First Minister, [Rhodri Morgan], should chair the committee, if there was to be a scrutiny role then it is important an opposition AM chairs it’.

Of greater note is the Nationalist perception of how the Committees operate, as they believe it is to their distinct disadvantage, in both the devolved institutions. Scottish Nationalists, with long and distinguished parliamentary records, were vociferous in their opposition to the idea that a new politics was to be found in the European

²⁶ All quotes in this section from interview material.

Committee. On the importance of the Committee to Parliament, one said: ‘a lot of nonsense, theoretically and structurally it should be but in practice there is more whipping going on here than in Westminster, that’s in committees as well, no one admits it but there is’. Another intimated to us that the committee was merely a talking shop as the ‘Lib –Lab Government’ set the agenda and it ‘was a bloody disgrace’. The reason given for this was ‘nervousness among the establishment, among the executive because independence in Europe was a national strong suit to play by the anti-establishment party’. ...Independence in Europe can mean what you want it to mean but they were so nervous because of this and they asked so what will we do and the answer was that they did not want to give credence to such a committee’. Another nationalist MSP thought that the Committee Convenors were ‘such avowed Unionists that they see Nationalist plots at every turn... Everything’s partisan. Politics in Scotland is like football supporting. You’re on our side or you’re the enemy. That’s the bottom line and I’m sorry if that’s the culture that the Labour Party has brought to politics over the last forty years in this one-party state that we’ve been living in, they live in... effectively they have played politics from day one while spreading a so-called message of consensus. Consensus in terms of the Scottish Parliament, in terms of the Executive, in terms of the Labour Party means you vote with us, you agree with us and you do not debate’.

Welsh Nationalists took a similar, if less strident, line. A Plaid AM offered what we may term the classic power of the non-decision viewpoint: ‘What he [the First Minister] says goes and what he wants to avoid is avoided. The chair of the committee sets the agenda’. Another further opined: ‘but the problem is that, as with so much in the Assembly, you get the impression that the Administration is just interested in administering. It’s not actually interested in being an Executive which is taking a proactive attitude towards Europe or anything in Wales. So in that sense its not surprising that the First Minister would not want the European Committee to have a scrutinising role because he wouldn’t want the European Committee to actually do anything. I think it is down to a matter of political will now from the administration’.

Such evidence, from these important European Committees, clearly shows that the new institutions are still a considerable distance from the ostensibly desired goal of a new era of new politics. The rhetorical context of the Edinburgh and Cardiff villages still very much resembles the approach found in the village of Westminster. Indeed, the concomitant adversarial politics inherent in the Unionist – Nationalist divide, over Europe, is not one that we could reasonably extol the virtue of, or as being one of ‘new politics’. One combative SNP Member of the Scottish Parliament succinctly puts it thus:

‘I don’t believe that we’re all Parliamentarians here together. That concept to me is anathema’.

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Tables.

Table 1. The European Committee of the Scottish Parliament/Welsh Assembly has not adequately discharged its functions and needs urgent reform.

Scotland	Strongly/ agree	Agree	Neither	Disagree	Strongly/ Disagree
Labour	0	7	25	64	4
Conservative	0	42	25	33	0
Lib Dems	0	0	50	50	0
SNP	16	21	42	21	0
ALL MSPs	5	18	32	44	2
Wales	Strongly/ agree	Agree	Neither	Disagree	Strongly/ Disagree
Labour	7	36	36	14	7
Conservative	0	100	0	0	0
Lib Dems	0	50	0	50	0
Plaid Cymru	82	9	9	0	0
ALL AMs	32	34	19	13	3

Source: ESRC funded survey R000223242, 'Mapping Scottish And Welsh Parliamentarians' Attitudes to European Integration'.

Table 2. The Scottish Parliament/Welsh Assembly should act to promote European issues and ideals in Scotland/Wales.

Scotland	Strongly/ agree	Agree	Neither	Disagree	Strongly/ Disagree
Labour	4	79	7	11	0
Conservative	8	8	25	33	25
Lib Dems	0	100	0	0	0
SNP	42	42	16	0	0
ALL MSPs	16	56	13	11	5
Wales	Strongly/ agree	Agree	Neither	Disagree	Strongly/ Disagree
Labour	36	57	7	0	0
Conservative	0	33	67	0	0
Lib Dems	50	50	0	0	0
Plaid Cymru	73	27	0	0	0
ALL AMs	47	44	9	0	0

Source: ESRC funded survey R000223242, 'Mapping Scottish And Welsh Parliamentarians' Attitudes to European Integration'.

Table 3. Membership turnover on Scottish Parliament Committees

Committee	Percentage (number) of original members still serving as at February/March 2002
Audit	36% (4)
Education, Culture and Sport	18% (2)
Enterprise and Lifelong Learning	18% (2)
Equal Opportunities	25% (3)
European	17% (2)
Finance	9% (1)
Health and Community Care	33% (4)
Justice 1 and Justice 2 ²⁷	27% (3)
Local Government	25% (3)
Procedures	43% (3)
Public Petitions	43% (3)
Rural Development ²⁸	25% (3)
Social Justice ²⁹	25% (3)
Standards	17% (1)
Subordinate Legislation	43% (3)
Transport and Environment	25% (3)

²⁷ The Justice 1 and Justice 2 committees were created from the Justice and Home Affairs Committee in the committee restructuring of December 2000. Just two of the original members of the Justice and Home Affairs Committee continue to serve on the Justice 1 Committee (Maureen Macmillan and Christine Grahame). One of the original members of the Justice and Home Affairs Committee still serves on the Justice 2 Committee (Scott Barrie)

²⁸ Prior to the December 2000 committee restructuring, known as the Rural Affairs Committee

²⁹ Prior to the committee restructuring of December 2000 this was the Social Inclusion, Housing and Voluntary Sector committee.

Table 4. Membership turnover on Welsh Assembly Committees

Committee	Percentage (number) of original members still serving as at February/March 2002
Agriculture and Rural Development	33% (3)
Audit	44% (4)
Culture	78% (7)
Economic Development	56% (5)
Education and Lifelong Learning	89% (8)
Environment, Planning and Transport	36% (4)
European Affairs	27% (3)
Health and Social Services	60% (6)
Local Government and Housing Committee	33% (3)
Standards of Conduct	33% (3)

Table 5. The EU is a better forum for advancing Scottish/Welsh interests than Westminster.

Scotland	Strongly/ agree	Agree	Neither	Disagree	Strongly/ Disagree
Labour	0	4	25	57	14
Conservative	0	8	8	46	39
Lib Dems	0	0	75	25	0
SNP	35	50	15	0	0
ALL MSPs	11	19	22	35	39
Wales	Strongly/ agree	Agree	Neither	Disagree	Strongly/ Disagree
Labour	0	0	29	71	0
Conservative	0	0	0	67	33
Lib Dems	0	0	33	67	0
Plaid Cymru	27	46	18	9	0
ALL AMs	10	16	23	48	3

Source: ESRC funded survey R000223242, 'Mapping Scottish And Welsh Parliamentarians' Attitudes to European Integration'.