

GOVERNANCE: CONTESTED PERCEPTIONS OF CIVIC PARTICIPATION

Amanda Sloat

On 25 July 2001 the European Commission published its long-awaited White Paper on European Governance. President Romano Prodi had identified governance as a 'strategic objective' during a February 2000 speech to the European Parliament, and the White Paper concluded a year-long inquiry into its reform that took evidence from across Europe (including the UK and Scotland). The over-arching theme of the White Paper is the importance of opening up policy-making processes to involve more citizens and organisations in the creation and implementation of EU legislation. Recognising that 'the way in which the Union currently works does not allow for adequate interaction in a multi-level partnership,' it called on member states to establish mechanisms for wider consultation (p. 12). It proposed 'systematic dialogue' with regional associations during policy development, more flexible implementation of legislation that takes into account the diversity of local conditions, and greater policy coherence by addressing the territorial impact of policies rather than following a sector-specific approach. The White Paper also cited the need for civic organisations to have a greater voice in policy-making, appealing for a 'reinforced culture of consultation and dialogue' in all EU institutions and considering the creation of a 'code of conduct' that establishes minimum standards for consultation (p. 16).

Improving 'governance' and civic 'involvement' in the legislative process are important objectives. However, the practical application of these vague terms must be clarified as political actors have different - and sometimes conflicting - understandings. The article illustrates this problem by analysing elite

Amanda Sloat has worked with the European Commission's Governance Team, and advised the Scottish Parliament's European Committee during its governance inquiry. She is currently a Research Fellow at the Institute for Governance, Public Policy, and Social Research at Queen's University Belfast

Governance: Contested Perceptions of Civic Participation

expectations about the operation of the Scottish Parliament's European Committee. It provides a useful case study as the overlapping nature of EU policies - which are generally formulated by the European Commission, negotiated for by UK delegations, and implemented by the Scottish Executive - requires co-operation and a governance approach. The article focuses on the pre-devolution expectations of Scottish political actors about the committee's ability to involve civil society, thus providing a comparative reference for future studies. Data is drawn from interviews with over 60 political elites, which were conducted during the six months preceding the first parliamentary elections in May 1999 to ensure knowledge of procedures but not of partisan composition. The article also considers government, political, and civic documents produced during this period. In addition, it includes several follow-up interviews that were conducted with key actors two years after the Parliament's July 1999 opening.

The article develops an actor-centred approach, examining the factors that shape elite perceptions by focusing on 'the interests and strategies of actors in the EU policy process' and viewing 'individuals as utility-maximizing and independent from social and political forces' (Hix 1998, p. 48; also see Marks 1997). It considers the views of Scottish *civil society* (including the church, trade unions, voluntary organisations, local government, and industry), many of whom were instrumental in campaigning for the Parliament and designing its procedures. Next, it examines the opinions of *civil servants* (Scottish Office, Foreign and Cabinet Offices, European Union) who are responsible for ensuring the successful creation and implementation of policy. Finally, research focused on the beliefs of *politicians* (Scottish Parliament candidates, MPs, and European Parliament candidates) who would work in and with this new institution. By analysing the vocabulary used by elites in verbal and written statements, this article compares and contrast actors' understandings of governance. Divergent expectations suggest future frustration is likely, particularly as some actors desire more radical action than others. The article begins with a brief examination of academic definitions of governance, then considers how elites believe civil society should be involved in the legislative process, and concludes by discussing the contested nature of participation.

DEFINITIONS OF GOVERNANCE

Academic literature on governance has grown throughout the late twentieth and early twenty-first centuries, and the term is being applied to everything

Scottish Affairs

from corporations to rural society. However, the meaning of governance remains ambiguous: the Commission's Governance Team found that the word does not exist in any language other than English, while reactions to the White Paper throughout the EU will show whether its meaning is more easily translated. Most academics agree that *governance* is not a synonym for *government*. Governance 'refers to collective problem-solving in the public realm' rather than to the relevant agents of the political associations involved; in contrast, government 'refers us to the institutions and to the agents (personnel) who occupy key institutional roles and positions' (Caporaso 1996, 32). Governance 'signifies a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed' (Rhodes 1996, 652-3). It focuses on the changing role of the state, which is facilitating interaction among various interests rather than serving as the main provider of policy. While some - like Rhodes - highlight self-organising, inter-organisational networks, others suggest the state plays a 'steering' role by 'employing some coherent direction to society' (Peters 1998, p. 2). The powers of government tiers are no longer clearly distributed, as co-operation replaces hierarchy and legislative competences are shared among several levels (Hooghe 1995, Marks et al 1996, Tömmel 1998). Such policy overlap leads Dehousse, for example, to call for a 'process-oriented' approach in which 'interested citizens would be given a say in the post-legislative, bureaucratic phase. Unlike other approaches, this one attaches less importance to the quality of inputs received by decision-makers ... than to the fairness of decision-making procedures' (2001, p. 186).

Governance tries to explain the co-ordination of numerous actors and institutions to debate, define, and achieve policy goals in complex political arenas (LeGales 1998). The state does not dominate the policy-making process as multiple actors are increasingly involved, actors' relationships are 'non-hierarchical' and 'mutually dependent', and decisions are made by 'problem-solving' rather than by bargaining (Hix 1998, p. 39). Choices between national and transnational policy-making, which are affected by political and policy competition, are 'played out as a function of the interplay of *ideas*, *interests* and *institutions* and focused on the choices made by a variety of actors about how to respond to an issue' (Wallace 1996, p. 12; emphasis original). Political organisations are also emphasising key policy-making principles. The work programme for the Commission's White Paper defined governance as the 'rules, processes, and behaviour that affect the way in which powers are exercised at European level, particularly as regards

Governance: Contested Perceptions of Civic Participation

accountability, clarity, transparency, coherence, efficiency and effectiveness' (2000, p. 4). Similarly, the Consultative Steering Group (1998c) - a civic and cross-party committee convened by the Labour Government in January 1998 to propose standing orders for the new Parliament - called for the Scottish Parliament to a) share power; b) be accountable; c) be accessible, open, responsive, and participative; and d) recognise equal opportunities.

Academics and practitioners generally agree that an active civil society is necessary for a healthy democracy. For example, one Scottish thinktank issued a pre-devolution warning that a new style of politics cannot be achieved through institutional change alone: 'in the creation of new institutional and political structures it is also vital to consider new methods of political participation and that both these approaches can be mutually reinforcing in terms of enhancing democracy' (Unit for the Study of Government in Scotland 1997, p. 58). Yet it remains unclear *how* civic actors should be involved in government deliberations. The lack of clarity about meaningful civic participation is illustrated by political discourse in Scotland during the years preceding the Parliament's re-establishment: while political elites developed a similar vision of policy-making, their divergent views about governance are reflected in the different words they use to describe its practical details. Because conflicting expectations are also likely to result from the publication of the Commission's White Paper, it is important to understand how different types of actors understand governance and the political role of civil society in order to begin moving toward acceptable institutional arrangements.

EUROPEAN COMMITTEE

One of the most contentious issues in discussions about new forms of governance is the nature and extent of civic involvement in the legislative process. This article analyses elite expectations about the role of civil society in the European Committee's work. The remit of the European Committee, whose members also belong to subject-based committees, includes reporting on proposals for and implementing EU legislation. Recognising that European legislation would pervade most policy areas, the Consultative Steering Group (1998b) sought to 'mainstream' consideration of European issues into the Parliament's other committees; thus, the European Committee filters EU proposals by passing some subject-based issues to other committees while launching detailed investigations into over-arching issues.

Scottish Affairs

The committee's approach has shifted slightly during the Parliament's early years, according to an official: 'What is different for us now is that scrutiny is less about lobbying for change and more about increasing transparency. Being selective to be effective is a maxim for us.'

Of particular interest are elite reactions to the proposal made by the Scottish Constitutional Convention, a civic group that lobbied for a Parliament throughout the 1990s and devised structures for its operation, to allow select organisations to hold non-voting seats on committees. Although the proposal was ultimately unsuccessful - the Consultative Steering Group decided the practice 'conflicts fundamentally with the democratic principle of having decisions made by elected members, who are able to take a wider view, weighing up all the evidence and all the interests, not only those interests which might be seen as most closely affected' (1998b) - it highlights the variable attitudes of members of civil society, officials, and politicians. An actor-centred approach that analyses the views of individuals shows how support for basic concepts does not necessarily imply shared visions of action. Table 1 summarises elite views of governance, focusing on their understanding of its defining principles, relations, and processes. The remainder of this section explains these views in more detail.

Table 1
Understanding of Governance

	Civil Society	Officials	Politicians
Defining principle	Participation	Co-operation	Partnership
Defining relation	Civic – Politician	Official – Official, Politician – Politician	Politician – Civic
Defining process	Involvement	Liaison	Consultation

Governance: Contested Perceptions of Civic Participation

Civil Society

Representatives of civil society, 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 *participation* and called for closer involvement with politicians in the legislative process. For example, the Convention of Scottish Local Authorities (COSLA) hoped the Parliament would engage 'in the policy process a wide range of stakeholders who are directly involved in the implementation of policy; and those directly affected by policies established by the Parliament.' This could lead to 'a more flexible partnership based on 'negotiated governance', as well as 'the development of "holistic government" in the new methods of decision making involving groups outside the Scottish Parliament and government by broad policy goals' (1998b, p. 1). The Scottish Civic Forum - a large gathering of civic organisations that discusses legislative concerns, conducts consultations, and seeks to establish a consensus - cited 'a widely held view that in order to enjoy the confidence of the Scottish people the Scottish Parliament will need to develop mature and consensual forms of governance. The interface with civic society is critical to that aspiration' (CSG 1998a).

There was some disagreement among civic actors about the European Committee's inclusion of non-MSPs: while most wanted to be consulted about policy issues that concerned their sectors, the desired degree of involvement varied according to institutional needs. Members of some civic organisations saw participation as symbolic and desirable in itself. Some called for non-politicians to be 'co-opted to committees' (Scottish Civic Assembly 1998, SCVO 1998e), supporting such mechanisms on civic grounds rather than perceived benefits to their organisations. Representatives of the Church of Scotland and the Scottish Council of Voluntary Organisations (SCVO) felt outside membership would be a 'powerful sign that the Scottish Parliament is more open' and 'provide the benefits of an outside perspective.' Acknowledging the difficulty of selecting members and believing politicians alone should vote, one concluded that 'the role of the Scottish Parliament is to make decisions but the role of everyone is to be involved.'

Those directly affected by legislation wanted an inside voice to express their organisations' views. COSLA documents called for local government to have 'a right of representation on Parliamentary Committees as non-voting members and non-civil servants should be co-opted as advisors' (1998a, p. 3). Representatives of the fishing and agriculture sectors said expertise was

Scottish Affairs

'essential' due to the complexity of their industries and lack of ministerial understanding. The spokesman for the National Farmers Union of Scotland (NFUS) was not worried about accusations of inside influence, explaining that a committee seat 'will be making the process more transparent. All committees are lobbied hard now, but the public doesn't see it.' In contrast, businessmen whose industries are affected predominantly by reserved areas desired consultation but necessarily sustained interaction with politicians. One cited problems of accountability, while others said their 'day jobs' prevent them from attending numerous meetings. They recommended that the committee take evidence from advisors or an expert panel of non-voting and changeable members.

Members of civil society disagreed about consultation more generally, further dispelling the illusion of a civic consensus about political involvement. Civic organisations wanted the Parliament to respect the wishes of the electorate, hoping for greater public input and policy that reflects Scottish needs. Businessmen and Scottish Trade Union Congress officials focused on the Parliament's working practices, calling for interactive consultation, quality debate, and a 'constructive' and 'harmonious' approach. Some umbrella groups (Scottish Council of Voluntary Organisations, Scottish Council of Development and Industry) critiqued the pre-devolution consultation process, whereby officials draft a document, send it to the 'usual suspects', and then fail to respond to submissions; when asked for alternative methods of consultation, they described those used by their own organisations. Furthermore, representatives of Scottish industries diverged on their expected lobby techniques as each emphasised a different level of government. The agriculture sector was most enthused about the creation of a new Parliament, as it allows earlier participation in the development and implementation of EU directives. The whisky sector stressed the retention of links with the restructured Scotland Office and Whitehall on reserved issues, but also hoped the Scottish Parliament would lobby the UK government on its behalf. A representative of the fishing industry said '80% of our legislation comes from the European dimension and despite the Scottish Parliament will carry on as before.' Two years on these industries praise active ministers and greater government attention, although the agriculture sector claims Scotland and the UK implement directives more strictly than other states and a fisheries spokesman suggests high profile debates have not always helped the industry.

Governance: Contested Perceptions of Civic Participation

Officials

Officials in the then Scottish Office placed greater emphasis on the production of quality legislation within the UK structure than on the closer involvement of civil society in that process. Although supportive of a holistic approach to policy-making, many officials were sceptical about the civic desire for a more participatory democracy and proposed consultation mechanisms. For example, none of their documents used the 'governance' terminology that dominated civic papers. Officials made few references to a legislative role for civil society, preferring that civic organisations promote rather than shape policies. Their definition of governance focused on *co-operation*, especially between Scottish politicians and officials at three political levels. Officials emphasised liaison as the defining process of interaction: they expected guidance from the concordats (non-legally binding documents intended to guide interaction between officials serving the Executive and Whitehall), stressing goodwill among civil servants and information exchange between politicians.

Considering the feasibility of committee seats for non-MSPs, a Scottish official suggested the European Committee could a) present a Commission document and ask for ideas, b) establish initial thoughts and consult on them, or c) hold individual evidence sessions with focused questions. But beyond a common core of four or five permanent members with clear over-arching interests, the official questioned where to draw the line beyond ad-hoc attendees with a particular concern. Warning against the creation of 'a massive new bureaucracy of various interests,' the official concluded that 'this is another difficult area to try to be inclusive and more cuddly and transparent - and all these wonderful thoughts to be a democracy as pure as the ancient Athenian model - but actually to achieve some results at the end of the day.' Officials at other government tiers were also unsure of the proposal, as one cited 'problems both in constitutional democratic theory and problems in practice if unelected people took decisions within a supposedly democratic legislature.' EU officials voiced concerns about democratic accountability, fearing that the inclusion of outside interests could lead to cronyism if the usual established suspects overshadowed smaller bodies.

Politicians

Politicians used the rhetoric of governance most frequently. They echoed the civic desire for 'joined-up' government and collaboration with policy users, and concentrated less on structures and links with other politicians. For

Scottish Affairs

example, the House of Commons' Scottish Affairs Committee studied the implications of devolution and concluded that 'the Scottish model offers an exciting opportunity to experiment with new methods of government and new and more equal relationships between government and the governed' (1998, Vol. 1, ix). Politicians defined governance as *partnership*, an understanding that was especially clear in the Scottish Parliament manifestos of all four main parties, and stressed relations with 'the people' and civic organisations.

The Conservatives accentuated partnership, not just between political actors in the provision of local services but also between sectors of the UK:

There has been a *partnership* of all the people of Britain [since the 1707 Acts of Union] ... but the creation of parliaments ... requires a new language of Unionism to reflect both what is changing and what remains constant. We believe that the new United Kingdom should not just be a *partnership* of the peoples of the islands but a *partnership* of equals.
(1998, emphasis added; also see 1999)

Labour's understanding of governance focused on the inclusion of ordinary citizens: 'We want a new relationship between politicians and people; a relationship in which we have the responsibility to listen to and engage with the people' (1998). This was reiterated in their 1999 Manifesto, which described the Parliament as 'part of a huge programme of reform bringing power back to the people.'

The SNP (1998b, p. 0) and Liberal Democrats (1999, p. 3) used similar language, with the former pledging to 'build a true partnership with the people' and the latter to 'work in partnership with the UK government.' These 'opposition parties', unlike the others with recent government experience, actively sought to involve the electorate: the SNP held People's Assemblies (1998a) throughout the 1999 campaign to determine policy priorities, while the Liberal Democrat's submission to the CSG (1998) called for Advisory and Consultative Councils to work with the Parliament. In addition, both parties made proposals about the Parliament's operation and design. The SNP claimed to 'believe in good governance. Stable, secure government which shows the benefits of principled decision-making for all' (1998b, p. 18). The party's **Framework for Government** called for a 'holistic' structure for governance, which results from the identification of 'core issues' that the government should tackle. Likewise, the Liberal Democrats (1998) called for

Governance: Contested Perceptions of Civic Participation

a holistic approach as 'people's lives do not fall into neat departmental boxes the way that government has done.'

Despite sharing civic members' hopes for greater interaction and holistic structures, it is unclear what politicians' support means in practice: many described the defining process of governance as 'consultation' rather than the more extensive 'involvement' preferred by some members of civil society. Politicians had reservations about involving non-MSPs in parliamentary committees, although they expressed interest in consulting widely, appointing advisors, and holding regular meetings with civic organisations. Conservative and Labour politicians were particularly dubious, questioning the selection and role of members. They argued that elected politicians are responsible for making decisions, while a Labour MP said the Parliament should 'remain at arms length.' In slight contrast, members of 'opposition parties' were more amenable to new structures for involving civil society. An SNP candidate said every committee should decide for itself as the need for specialised members varies, and agreed with a Liberal Democrat's emphasis on liaison between the convener and civic Scotland. As another Liberal Democrat candidate passionately argued:

I want to see a break from the idea that an MP is sacred by virtue of his election, and that there is something profane about not being elected. I see the Scottish Parliament as taking its position as one of the pinnacles of civic life, but very much hope that it's not going to be divorced from civic life and try to create Westminster-type barriers.

In sum, Scotland's political elites support the concept of governance. However, various actor types describe its practical operation as either participation, co-operation, or partnership - words that are similar yet imply different degrees of civic involvement. Understandings between the three groups of political actors were the closest between civic members and politicians. This can be partially explained by their co-operation in the Constitutional Convention and Consultative Steering Group, as well as a similar awareness of the electorate's needs. Officials' scepticism may be the most serious obstacle to reform, particularly as most actors expect civil servants to retain control of the internal policy-making process (at least under unionist administrations); future calls for civil service reform seem very likely. The challenge of reaching an acceptable compromise may also be compounded by tension within - as well as between - actor categories. A final complication is the strength of informal contacts within a small elite. While

Scottish Affairs

proximity enabled political actors to develop a shared governance vocabulary and civic trust, the dominance of 'connected' individuals may complicate the efforts of 'outsiders' to find a niche.

REACHING A CONSENSUS

Exercises such as the European Commission's White Paper on European Governance are necessary and valuable tools that can help improve the quality and operation of democratic systems. Recent debates have led political actors in Western Europe to identify key elements of governance. The White Paper stressed the principles of openness, participation, accountability, effectiveness, and coherence. These are closely related to the Consultative Steering Group's emphasis on power-sharing, accountability, accessibility, and equal opportunities. They also reflect Scottish elites' understanding of governance, which includes partnership, participation, and co-operation. However, the remaining challenge for the European Union and Scotland is developing practical ways of implementing these generally supported concepts.

Most importantly, the meaning of civic participation must be clarified. The study of Scotland's European Committee demonstrated the danger of assuming a shared understanding, as an actor-centred approach highlighted the diverse meanings of civic participation between - and even within - three groups of political elites. Although the Commission's White Paper explained 'why' a civic role was important, it remained vague about 'how' it should occur:

The quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation. Improved participation is likely to create more confidence in the end result and in the Institutions which deliver policies. Participation crucially depends on central governments following an inclusive approach when developing and implementing EU policies.
(p. 10)

The White Paper emphasised *consultation* as a guiding principle. It explained that 'Participation is not about institutionalising protest. It is about more effective policy shaping based on early consultation and past experience. ...

Governance: Contested Perceptions of Civic Participation

Better consultation complements, and does not replace, decision-making by the Institutions' (pp. 15, 16). An analysis of the Paper's vocabulary finds predominant usage of this concept, as the word 'consultation' appeared an overwhelming 31 times while 'consult' featured an additional 15. In contrast, the word 'participation' was used 10 times, 'partnership' 11, 'co-operation' 13, and 'involvement' 13.

It is important, therefore, that Europe-wide discussions about the meaning of governance continue as political actors strive toward a common understanding of civic involvement. Scotland has been an active participant in this debate, and, indeed, has much to contribute. The Scottish Parliament's European Committee visited the Commission's Governance Team during a week-long visit to Brussels in March 2001, and invited Committee of the Regions members to a wide-ranging debate about governance on 22 May 2001. It launched its own governance inquiry to investigate the issues raised by the White Paper, considering lessons from Scotland's new constitutional arrangements as they relate to EU issues. The Scottish Executive has also taken an active interest in European governance, submitting with COSLA a 'Joint Discussion Paper on European Governance' (2001) to the Commission's inquiry. This document emphasised the importance of participation, consultation, subsidiarity, and consensus. One proposal, which is reflected in the White Paper, is a Code of Practice on Consultation. Such a code 'would include the commitments of the Commission to include sub-national authorities in policy-making and to take the position of local authorities and their local partner bodies (socio-economic groups) into account with regard to policy implementation' (p. 14).

The first step in creating a more inclusive process must be agreeing upon a civic role that is both desirable and democratically feasible; otherwise actors, particularly within civil society, will remain frustrated by the policy-making process. There is evidence in Scotland that the government and civic organisations are beginning to develop new methods of co-operation. Two years after the Scottish Parliament opened, many elites consider committees to be one of its main strengths. They report that committee consultations are more thorough and effective than the Executive's, which suffers, according to an SCVO official, from 'old civil service baggage.' Assessments of the European Committee are particularly favourable. An official from the Scottish Council for Development and Industry said it is 'one of the most productive in Parliament and manages to cover a lot of work,' while a spokesman for the NFUS described it as the most 'pro-active' committee. The

Scottish Affairs

European Committee is also making efforts to improve consultation, as an official cites the development of an informal exchange network of companies and organisations from whom they seek advice on pertinent issues in EU documents.

Although elites and political organisations are more involved in policy-making, the Scottish Parliament has been less successful at engaging the public and making itself relevant to disaffected groups. A SCVO official expressed concern that 'politics and government are far from people, that there isn't proper governance.' A Scottish MEP agreed that 'many people are probably not more involved, but if they have an issue they're concerned about they are more likely to have a hearing.' Even the European Committee's list of consultees includes many of the 'usual suspects'. While civic campaigners hoped that the Parliament would engender a new type of politics, the 'corporatist' nature of Scottish politics and the strength of its policy networks have long been recognised (Maxwell 1987, Moore and Booth 1989, McCrone 1992). Brown et al (1998, p. 122) accurately predicted that pluralism will continue post-devolution, citing a fear that the 'proposed open committee system ... might simply give unprecedented opportunities for pressure groups to lobby, rather than genuinely opening up the policy process to groups that have never previously been involved.'

Efforts by the Scottish Civic Forum to consider these issues, particularly their 'Audit of Scottish Democratic Participation' (2001), should be welcomed. The 15-month study seeks to provide the first post-devolution assessment of civic participation in the legislative process, evaluate whether the Parliament and Executive are fulfilling their commitment to inclusive policy-making, and identify a clear definition of what participation means in practice. Their results will be of interest not only to the Scottish political community but also to decision-makers throughout Europe. As the work of the European Committee and the Commission White Paper shows, the idea of governance is gaining wide support although more effort is required on its practical implications. Only by bringing together all political actors and by daring to think beyond existing consultation mechanisms can true moves be made toward developing participatory governance as a vital complement to representative government.

Governance: Contested Perceptions of Civic Participation

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Governance: Contested Perceptions of Civic Participation

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