

Regionalism in the European Union: The Case of Scotland

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Abstract: *This study examines the growth of regionalism within the EU generally, and the case of Scottish nationalism specifically. The Scottish case provides an instructive analysis for several of reasons. First, the rise of nationalism in Scotland generally corresponds with the UK's entry into the European Union. Second, the UK has recently experienced far-reaching constitutional change with the founding of the Scottish Parliament, creating a political forum where new EU-Scotland links are being forged. Third, the Scottish case is relevant because it is representative of a broader trend, wherein citizens continue to challenge the centralizing trends of the modern state.*

Keywords: *Scotland, European Union, regionalism, devolution, Scottish Parliament*

The European Union (EU) has witnessed a sharp increase in political regionalism in recent decades. Italy, Belgium, Spain and the United Kingdom (UK) have all experienced an upsurge in regional activism. Even France, 'the model unitary state' has between unable to remain immune (Rokkan and Urwin 1982). Governments have responded to these challenges in a fairly uniform manner; virtually all have introduced policies aimed at balancing the spread of domestic wealth and most have devolved power to lower, regional tiers of government (Molle 1990). At the supra-

national level, the EU has reacted to regionalist trends by increasingly incorporating a regional dimension into its policy formation process. The establishment of the Committee of Regions (COR) in the early 1990s, and the EU's expanded regional policies and Structural Funds have created new linkages between the EU and regions within its member states.

The upsurge in regionalism in Europe came as somewhat of a surprise to most scholarly observers (Lijphart 1977). Many assumed that the process of modernization and feelings of primordial ethnic consciousness were so incompatible that the latter could not be sustained in Europe. One leading scholar of European integration argued in the late 1950s that nationalism was in decline and the political activities of ethnic groups in the North Atlantic area were of 'minor importance' (Deutsch 1957). At the heart of traditional theories of modernization is the proposition that industrialization, urbanization, increased communication, and education together promote an irreversible homogenizing process (Huntington 1971). Western European states, as mature and stable polities were expected to epitomize this process. Perhaps most surprising was the fact that increased regionalism was being witnessed at a time when European states were coming together to form the European Community, so that trends toward integration and disintegrating occurred simultaneously. So despite earlier expectations, over the past 25 years no EU country has become more centralized while half have decentralized authority to a regional tier (Hooghe and Marks 2001).

The impact of resurgent regional actors on EU decision-making has drawn considerable scholarly attention. In the early 1990s, Sbragia noted, 'The decision-making process evolving in the Community gives a key role to governments — national at the moment, and ... to sub-national governments increasingly in selected areas.' (Sbragia 1992: 289) The identification of a third tier of government was taken up by others and integrated into the concept of multi-level governance.¹ Multi-level governance challenges state centric conceptions of EU decision making found in the literature of liberal intergovernmentalism.² The central idea of this approach is that national governments no longer hold a monopoly on decision making. Rather, competences are shared by participants at different levels, and sub-national actors operate at both national and supranational levels. In the process, regional actors create transnational networks to lobby the EU, which permits them to by-pass central government. This 'bottom-up' component of Europeanization coexists with 'top-down' pressures that emanate directly or indirectly from EU membership to force domestic political adaptations (Featherstone and Radaelli 2003: 7).

This paper examines the growth of regionalism, and the intensification of bottom-up, and top-down linkages in relation to Scotland. The Scottish example provides an interesting case study for several of reasons. First, the rise of nationalism in Scotland generally corresponds with the UK's entry into the European Union. While one

condition did not precipitate the other, British entry into the European Union ultimately gave separatist forces additional rhetorical ammunition in their claims for greater autonomy. For separatists, membership in the EU provides a perceived safety net, which allows small countries to go it alone without being isolated. Second, in recent years Scotland and the United Kingdom have experienced far-reaching constitutional change. During June 1999, Scots went to the polls to elect their first Parliament in almost 300 years. In doing so, they created a political forum with a decidedly Scottish perspective, where nationalist policies are being presented and new EU-Scotland links forged. Third, the Scottish case is relevant because it highlights a broader trend, found in other parts of the EU (and the world), wherein citizens continue to challenge the centralizing trends of the modern state.

Regional Models in the EU

Discussions of sub-national regional groupings have traditionally been plagued by the imprecise use of key terms (Connor 1977). Terms such as nationalism, ethno-nationalism and regionalism have all been used interchangeably with little concern for their precise meaning. Within the European Union three main types of regionalism can be identified: regionalism as administrative decentralization, regionalism as federalism, and regionalism as nationalism.

Regionalism as Administrative Decentralization

As noted, during the past few decades virtually all European governments have decentralized functions to sub-national levels of government. In Belgium and Italy in 1970, in Portugal and Spain in the mid to late 1970s, and even France, the epitome of the centralized state, decentralized some governmental functions during the early 1980s. Explanations for the increase in regional political activity have varied, but a general consensus has emerged that suggests that it is related, at least in part, to failures of the modern state. The post-war years have seen a dramatic increase in the economic and political scope of government in most western European countries, particularly in relation to the development of the welfare state. Paradoxically, this new found omnipotence has undermined the state's ability to act efficiently. In an effort to manage these challenges governments have been forced to decentralize functions to the regions through the creation of new administrative units. This technocratic form of regionalism is intended as a convenient means by which central government can unburden itself of the more mundane tasks of governing, while retaining control over general planning. In relations with the EU however, these administrative regions are limited by their lack of constitutional protection. In most cases the power

that is devolved to the regions by central government can just as easily be taken away. Administrative regions also lack a clear cultural identity. Their boundaries are drawn arbitrarily for purposes of administrative efficiency, which makes it more difficult for such regions to develop and exhibit a unified presence internationally.

Regionalism as Federalism

By contrast, the federal form of regionalism is constitutionally protected and allows for greater regional autonomy both domestically and internationally. In the German federal system, the Lander governments have been actively involved in the preparatory work for new EU policies. The Lander for instance, have presented detailed policy documents outlining their preferences for all recent EU treaties. Since they are part of the treaty ratification process the federal government must take the wishes of these sub-national governments into account. The Lander have also had an observer in Council of Ministers meetings since the early days of the Community (McLeod 1999). This access, to otherwise secret proceedings, allows sub-national governments to scrutinize the work of the federal government. Moreover, the role of the regions in the Council was further reinforced by Article 146 of the Treaty on European Union which permits regional ministers to represent their respective member state in the Council if the central government consents. Finally, some federal governments have deliberately strengthened the status of sub-national levels in EU matters. During 1992, both the Austrian and German governments introduced legislation making Lander opinions binding in areas where EU policy falls within the agreed competence of Lander governments (McLeod 1999). When compared to administrative regionalism then, federal political systems provide regions with a number of different avenues through which to influence EU policy, and allow regions to develop a higher international political profile.

Regionalism as Nationalism

Strictly speaking, the term nation describes a social group that shares a common culture, historical heritage, and a sense of homogeneity. This grouping may or may not spread over several countries. The nation pre-dates the modern state, it is an ancient primordial entity, a 'natural unit of history' (Smith 1977: 176). By contrast, states are legal constructs that occupy and govern a clearly defined territory and which may encompass several nations within their borders. The EU is therefore comprised of more than its twenty-seven member states. It includes many 'nations' below the state level that have historically enjoyed full independence or partial autonomy. These nations are characterized by a common heritage, a sense of distinctiveness and by the shared loyalties of their peoples. When we discuss nationalism at the sub-

national level it is important to remember that it is nationalism distinct from that of the state level. Some time ago Pi-Sunyer summed it up succinctly,

The difference lies in the frame of reference. The nationalism of ethnic communities pits itself against the weight and power of the state; nationalism at the centers for the most part was forged in the fires of foreign wars and the power struggles of international relations (Pi-Sunyer 1971: 267).

Nationalism in Scotland

Nationalism in Scotland is far from new, indeed it is as old as the Treaty of Union with England in 1707, when Scotland voluntarily relinquished its parliament in favor of a union with its more prosperous neighbor to the south. As part of the bargain, Scotland retained its own legal system, education system, and church, all of which remain distinct today. The Scots also retained some degree of self-governance. During the 18th century, Scots leaders were given a relatively free hand to run local affairs. By the 19th century administrative decentralization was formalized in the Scottish Office, a branch of the British Executive, located in Edinburgh. Despite their loss of political independence, Scots bargained for as much autonomy as was permissible within a unitary state, and participated fully in the UK Parliament (Keating 1998). Nevertheless, the Union with England has not always been popular with much of the Scottish population. Since 1707 there have been numerous attempts to restore the Scottish parliament, either as a quasi-federal entity or as a legislature in an independent state.

Discontent emerged periodically but it was not until the 1960s and 1970s that nationalist support took an upswing and the possibility of restoring the Scottish parliament began to be taken seriously. The initial breakthrough came in 1967 with the election of the first Scottish National Party (SNP) Member of Parliament (MP) in over 20 years, and only the second in history. Although Scottish nationalism is more than the Scottish National Party (Agnew 1985), this win reflected a change in underlying political sentiment that was shaped by events outside of Scotland's borders. From the early 1960s, the British economy began to falter and the dominant national parties, Labour and Conservative, seemed incapable of turning things around. As unemployment increased, voters began to explore alternative options, and the SNP became the beneficiary. Since the ethnic cleavage in Scotland is second only to the class cleavage it is not surprising that when neither of the class parties seemed to be able to deliver more economic security to their voters, the SNP should be the second choice (Brand 1990). Economic factors also played a role in the electoral success of the SNP during most of the 1970s. In 1970 vast oil fields were discovered in the North Sea, much of which would have been located in Scotland's territorial waters had it been an independ-

ent state. The SNP quickly took advantage of this discovery in their new slogan 'Its Scotland's Oil,' a tactic which brought electoral success. The Party returned eleven MPs to the British Parliament in 1974, its greatest number to date.

During the 1980s and 1990s political factors coalesced with economic factors to strengthen support for greater autonomy for Scotland.³ The policies pursued by Margaret Thatcher, and her successor John Major, were bitterly opposed in Scotland. Not only did the Conservatives firmly reject the idea of devolution, the government also began to test unpopular free-market policies in Scotland (McMillan 1996). Given the vast population difference between Scotland and England, Scotland's electoral rejection of the Conservative Party had little impact within the British political system. With limited electoral influence at the UK level, nationalist frustrations found a voice in a document titled the 'Claim of Right for Scotland.' Formulated by a non-party group of prominent Scots, it was unequivocal in its call for political change, 'The Union has always been, and remains, a threat to the survival of a distinctive culture in Scotland' and 'the UK has been an anomaly from its inception and is a glaring anomaly now' (Scott 1988). At its heart was a call for a Constitutional Convention to demand home rule for Scotland and to lay out how this was to be achieved. All that remained, was to wait for a pro-devolution party to be elected to Westminster. This occurred with the election of a Labour government in 1997, which quickly fulfilled its pre election promises. In a referendum held the same year, the Scottish electorate approved the re-establishment of the Scottish Parliament with a vote of 75 % in favor and 25 % opposed, and elections for the new Parliament were subsequently held May 6, 1999.

Scotland and the European Union

Britain's entry into the European Community in 1973 had a major impact both on the British constitution and on party politics. Constitutionally, it altered the status of the British Parliament, incorporating a supranational element that challenges parliamentary sovereignty from above. Politically, it created an additional arena for party competition and an new 'opportunity structure' for the SNP.⁴ Although the SNP originally opposed EU membership on the grounds that Brussels was too distant, overly centralized, and undemocratic, events during the late 1970s and 1980s brought a dramatic policy shift. The failed devolution referendum during 1979 and the subsequent collapse of SNP support, as well as the centralizing tendencies of the UK government, led the party to embrace EU membership.⁵ As a result, the SNP refocused its entire electoral campaign to incorporate an EU dimension. In 1988 the SNP replaced its slogan 'Its Scotland's Oil' with 'Independence in Europe.' Not coincidentally this was also the year that Jacques Delors unveiled the Social Charter

that proclaimed a vision of the EU as a social partnership in opposition to the rigid market based policies of the Thatcher government. This position also brought the party closer to public opinion, since most Scots favored EU membership.

From the perspective of a small peripheral region, EU membership offers a number of potential benefits. With a limited domestic market, Scotland's economy is more heavily dependent on exports than the rest of the UK, so gaining access to the world's largest market is important if Scotland is to achieve steady economic growth. The EU also provides a number of clear examples of other small independent countries that have prospered. In terms of population, Scotland is about the same size as Denmark and Finland, but is larger than many member states. Of particular political significance is the case of the 'Celtic tiger,' Ireland. Like Scotland, Ireland is a peripheral country, but its population is smaller, and it has fewer natural resources. Nonetheless, Ireland has experienced a tremendous economic renaissance since joining the EU.⁶ Such examples are frequently cited by nationalists to counter the belief that 'we can't survive on our own.'

Scotland-EU Linkages

Like other sub-national territorial units in the EU, Scotland's interests are represented through a number of formal and informal channels, that are channeled both top-down and bottom-up. The most obvious top-down mechanism by which the EU affects its regions is through legislation. However, since it is the member states and not EU regions that are legally obligated to implement directives, domestic political arrangements dictate the degree to which regions are involved. Within the UK, these domestic political arrangements were significantly altered by the establishment of the Scottish Parliament, which introduced a system of shared competences, replacing a highly centralized arrangement of authority.

The Scotland Act 1998 laid out the division of legislative responsibilities between the Scottish Executive and Westminster. The former gained control over a broad range of domestic issues, including education, health, justice, agriculture and fisheries, while all matters that deal with external relations are reserved to the UK Parliament. This means in effect that the authority to negotiate policies in areas that have been devolved to the Scottish Parliament, revert back to Westminster when the EU is involved. Moreover, under the Scotland Act the Scottish Parliament is explicitly prohibited from enacting legislation that is incompatible with EU law. On the other hand, while external relations are reserved, observing and implementing obligations under EU law are not (McLeod 2003). The Scottish Parliament is therefore expected to scrutinize and implement EU legislation in areas that fall within its competence.

Scrutiny of EU legislation is conducted by the European and External Affairs Committee of the Scottish Parliament and by the Scottish Executive. In the early

days of the Scottish Parliament, the European Committee reviewed all proposals for EU legislation, an estimated 1,200 documents each year (McLeod 2003). This cumbersome system was later replaced by a more restrictive approach designed to scrutinize the EU-related positions of the Scottish Executives specifically. Since 2002 the Parliament has received agendas and reports prepared by the Executive before and after UK level consultations, as well as EU Council meetings. For its part, the Scottish Executive exercises oversight at the UK level within the Joint Ministerial Committee on Europe JCM (E). Established after devolution, this committee is designed to facilitate coordination between the devolved administrations and UK executives in EU related matters. The committee has become increasingly active and now meets at least monthly, giving direct access on the part of Ministers from Scotland, as well as the other devolved administrations, to their counterparts in the UK Government. In theory this gives these UK regions a direct role in shaping EU policy as well as scrutinizing EU legislation.

These new political arenas operate in contrast to pre-devolution arrangements that gave Scotland little input into UK-EU affairs. The democratic legitimacy that is inherent in the Scottish Parliament means that the wishes of its representatives cannot be easily ignored. In addition, on a more practical level, the consultations that take place within the JCM (E) ensure that the UK presents a united public front in its dealings with Brussels. This was relatively easy to achieve when the same political party controlled the Scottish Parliament and Westminster, but the election of the SNP as the largest party in the Scottish Parliament in 2007 increased the possibility that fundamental disagreements might emerge. Indeed, it appears that the SNP views such inter-governmental committees as additional avenues within which to voice grievances. Almost as soon as the SNP gained control of Parliament, the First Minister of Scotland, Alex Salmond, approached his counterparts in Northern Ireland and Wales to develop joint positions within the JCM (E) to put pressure on the UK government in key policy areas. Having said that however, the influence of the Scottish Executives on UK-EU policy matters should not be overstated. The JCM (E) has no constitutional foundation and could be abolished or reconstituted at any time if the UK government so chooses. As one senior Westminster official put it, 'this is not a relationship of equals' (Johnson 2008). The conduct of European policy remains firmly in the hands of the UK government and the UK government ultimately decides the extent of the role played by the Scottish Executive (McLeod 2003).

Although the Scottish Executive is constrained in its ability to influence UK policy in the EU, it has more latitude when it comes to implementing EU legislation. This is clearly evident with regards Structural Funds, which represent the EU's main source of financing for Scotland. While primary responsibility for coordinating this policy area lies at the UK level with the Department of Trade and Industry, there are numerous layers below, that share that responsibility. Consistent with the principle

of subsidiarity, the Scottish Executive is designated by the EU as the 'Managing Authority' for Structural Funds. Below the Executive in the managerial hierarchy are Monitoring Committees, Program Management Executives, and 'partnerships' that represent a myriad of sub-regional public and private organizations responsible for on-the-spot management and policy implementation. The EU's commitment to indigenous economic growth has led to the increased involvement of such sub-regional actors in the regional policy process, and Scotland is in a strong position to take advantage of such opportunities. This was true even before devolution. For while partnerships in England have tended to be dominated by central government, the greater autonomy of the Scottish Office has 'given the regional partnerships more scope to develop their own momentum and operating procedures' (Danson et al. 1997: 23). An additional factor that distinguishes partnerships in Scotland from other regions of the UK is the existence of more powerful regional authorities, such as Strathclyde,

Strathclyde identified economic development as one of the main elements in its corporate strategy, and actively pursued external funds to resources this strategy, particularly the structural funds. The [(Strathclyde) Council also formed alliances with other European regions to promote common interests and to lobby for appropriate reforms. It was at the forefront of structural fund negotiations, rather than being a passive recipient.

The example of Strathclyde region indicates that European Union Structural Funds can represent a top-down conduit for bottom up influence.

The sub-national territorial dynamic of the EU has also been strengthened by cross-border cooperation. Regional authorities are increasingly working together in a series of trans-European associations that not only try to resolve similar policy problems, but also directly lobby Brussels for change. The non-exhaustive list below highlights some of the most important committees and associations in which Scotland is represented. They include both inclusive institutional bodies, as well as less formal and more narrowly focused associations:

- Committee of Regions
- Conference of European Regions with Legislative Power
- Conference of Peripheral and Maritime Regions
- Congress of Local and Regional Authorities in Europe
- Assembly of European Regions
- Council of European Municipalities and Regions
- European Association of Development Agencies
- European Industrial Regions Association
- European Association of Mountain Areas.

While representation does not always equal influence, clearly collective political pressure is more likely to yield results than demands from a single source. Moreover,

in the 2007–2013 Structural Fund programming period the Commission has explicitly recognized the value of cross border collaboration in its concept of *Territorial Cooperation*. Such programs are designed to assist European regions tackle problems which go beyond national borders, by developing transnational solutions through shared expertise and shared development costs. Territorial Cooperation will receive an EU budget of €7.75bn over seven years.

Conclusion

Clearly, as the European Union has begun to reach downward through its regional policy below the nation-state, so sub-national groups have begun to reach upward toward the EU. Increasingly demands that emanate from the regions are being given a more direct voice in the EU, supplementing the standard policy positions of member-states. It is difficult to discern just how much influence these sub-national actors have on the formation of EU policy, but their growing presence is indicative of new avenues of influence, and evolving sub-national/supranational political relationships. Moreover, the nature of many of these linkages also highlights the potential significance of informal contacts, as well as formal, legal ones.

At the beginning of the 21st century regionalism, in its many forms, appears to be in the ascendancy; contradicting traditional theories of modernization that predicted an irreversible homogenizing process. The British state as a mature and stable polity, was expected to epitomize this increasing uniformity. The explanation for why ethnic cleavages re-emerged lies in the distinction between nationalism at the nation-state level, and nationalism of the sub-state variety. When directed toward state-building, the former strengthens the nation-state, whereas the latter weakens it. Sub-state nationalism can therefore be viewed as symptom of a weakened nation-state.

The Scottish case fits into that category; the upsurge in nationalism in recent years appears to be a symptom of the decline of the British state. As the British state has failed to live up to expectations, citizens have become increasingly motivated to challenge the status quo and search for more localized solutions. Whether the Scottish electorate will be willing to take the additional step of moving from devolution toward independence is still unclear, but if the nationalist agenda is to succeed then it is imperative that nationalists dampen fears of 'going it alone' among the population, and that is where the EU can play an important role. The European Union presents opportunities for small countries to be heard, and importantly, can provide an economic safety-net. An independent Scotland might be a net recipient of the EU budget, and the adoption of the single currency would tie the Scottish economy to some of the world's wealthiest. Even if Scotland does not become independent, support for the EU still makes sense from a nationalist perspective. By its very nature,

supra-nationalism requires a pooling of sovereignty that draws power away from the British center, providing avenues of influence for regional actors which, to some extent, by-pass Westminster. Although member governments continue to sit at the heart of EU decision-making, the complementarity of EU and regional, especially nationalist, interests seems obvious.

Notes

- ¹ For instance, see Hooghe, Liesbet and Gary Marks (2001) *Multi-level Governance and European Integration*.
- ² For an overview of Liberal Intergovernmentalism see Moravcsik, Andrew (1993) 'Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach', *Journal of Common Market Studies* 31, 4: 473–524.
- ³ Historian Linda Colley argues that the UK was formed largely in response to external events. For Scotland, union with England provided tremendous opportunities for trade and economic expansion. Almost overnight, Scotland became part of, and helped to forge, the world's largest empire. For England, union with Scotland provided increased security to the north, it finally closed the door to French ambitions, and it settled problematic succession questions. By contrast, the external environment during the second half of the twentieth century was very different. The glories of the British empire had long faded, and conflict in Europe was being replaced by cooperation.
- ⁴ For a detailed discussion of 'opportunity structures' and minority nationalist parties see Lynch, Peter (1996) *Minority Nations and European Integration*. Cardiff: University of Wales Press.
- ⁵ In the 1979 referendum on devolution for Scotland, the Scottish electorate approved the proposal by a majority of those who voted; the 'yes' vote garnered 52 % of the vote. However, the law required that at least 40 % of the total electorate, not just those voting, support the measure. The vote fell short, and the plan was abandoned.
- ⁶ According to the Central Statistics Office of Ireland, GDP per capita increased from just under two thirds of the EU average prior to membership, to 120 % in 2003.

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