The European Convention and Civil Society; the view from Wales

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The recent European Convention can be seen as part of the European Union's (EU) constitutive agenda to democratise and reform. Both in its methods and its outcomes it has tried to be innovative and to foster the flagging democratic legitimacy of the EU (Shaw 2003). The regions and civil society have been identified as pivotal to the success of this agenda (European Commission, 2001), but as yet little research has looked at the role of subnational civil society in EU policymaking processes (Kendall, 2001). The European Convention therefore offers a prime setting to look at the horizontal role of subnational civil society, to evaluate the shift to a new kind of EU politics and to assess the efficiency of devolution.

In this paper I seek to identify the boundaries of inclusion/exclusion of subnational civil society in relation to EU policy-making processes, using the empirical example of the European Convention. In order to do this I will look at how civil society is understood by policymakers and groups, and look at the internal and external constraints facing groups in trying to influence the European Convention. This facilitates testing the notion that the concept of civil society is always limited in practice and theory.

This paper will rest upon empirical research with a broad range of civil society groups in Wales, currently being conducted by means of semi-structured, qualitative interviews. These are looking at civil society groups' perceptions of the EU policy-making process. The research is conducted through constructivist lenses, recognising that ideas have constitutive effects, which shape interests and power (Wendt, 1999).

Theoretically, civil society has undergone shifts in its content and meaning, but even with the shift away from foundations, norms and purpose are still attributed to civil society. For example John Keane (1998) advocates civil society for its capacity to contribute to social justice. Therefore, civil society as understood in modernity, as resting between the state and the economy (Cohen and Arato, 1992) is further limited by the purpose accorded to it and one's understanding of 'civil society'. By using theoretical EU innovations such as network governance and historical institutionalism it is possible to show that the EU and its subsidiary institutions have a particular conception of civil society. This conception of civil society is filtered to and shaped by these institutions and civil society at grassroots level and inevitably parts of civil society are excluded. Exclusion is continued in policymaking where concepts are weapons that 'reflect broader notions which are rooted in fundamental belief subsystems about 'legitimate' objectives, 'proper' rules and 'good' conduct' (Kohler-Koch, 1997:64). Documentary research in this vein has been recently carried out by Smismans (2003) who argues that the Economic and Social Committee and the Commission have articulated dominant discourses of 'civil society' for their strategic interests. However, this emphasis on strategic interests undermines the role of ideas in shaping those interests and also the role of other actors and institutions in mediating, contesting and realising those ideas. This research therefore seeks to explore some of these claims by examining the role of perceptions of civil society, organisational characteristics, criteria applied to civil society and institutional infra-structure in shaping civil society in Wales’ role in the EU's policymaking complex.
Initial findings from the empirical research show that limited steps have been taken to embrace civil society, at this level, for the European Convention. Contingent upon further results, the paper will argue that because of ideas, actors and structural constraints, subnational civil society's role is limited in the EU policy-making context. This ultimately renders the acceptance of a final constitutional document, agreed by the 2004 Inter Governmental Conference, problematic as civil society is a "communications interface" (Editorial Team, 2002:3) with society.

The overall implication of this research lies in the recognition of the roles of norms in the relations between multilateral organisations and subnational civil society in systems of multi-level governance. This research will also highlight the utility of network governance and historical institutionalism. As such it also adds to the normative shift in EU studies (Bellamy, 2003). Further, the research will demonstrate the relations between multilateral organisations, mediating institutions and subnational civil society. Finally, also identified will be the extent that subnational civil society can play in the governance of multi level regimes.


